



SASKATCHEWAN

advocate

a Voice for Children and Youth

2012 Annual Report



Letter of Transmittal

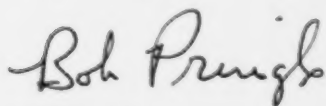
April 18, 2013

The Honourable Dan D'Autremont
Speaker of the Legislative Assembly
Legislative Building
2405 Legislative Drive
Regina SK S4S 0B3

Dear Mr. Speaker:

In accordance with section 39 of *The Advocate for Children and Youth Act*, it is my duty and privilege to submit to you and the members of the Legislative Assembly of Saskatchewan the annual report of the Advocate for Children and Youth for the year 2012.

Respectfully,



Bob Pringle
Advocate for Children and Youth
Province of Saskatchewan



Our Vision

That the rights, interests and well-being of all children and youth are respected and valued in Saskatchewan communities and in government legislation, policy, programs and practice.

Our Mandate

Who We Are

The Advocate for Children and Youth is an independent officer of the Legislative Assembly of Saskatchewan. He leads a team of regional advocates, investigators, and administrative, research and communication professionals who work on behalf of the province's young people.

What We Do

Our mandate is defined by *The Advocate for Children and Youth Act*. We do:

- **ADVOCACY** on behalf of children and youth receiving services from a provincial ministry, agency, or publicly-funded health entity.
- **INVESTIGATIONS** into any matter concerning or services provided to children and youth by any provincial ministry, agency, or publicly-funded health entity.
- **PUBLIC EDUCATION** to raise awareness of the rights, interests and well-being of children and youth.
- **RESEARCH AND ADVISE** any minister responsible on any matter relating to the rights, interests and well-being of children and youth.

The Advocate does not have jurisdiction over decisions made or services provided by local school boards, municipal or federal governments, police or courts, decisions of Cabinet, private companies or individuals.

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The Advocate for Children and Youth is headquartered in Saskatoon; however, our services and programs are delivered throughout the province of Saskatchewan.

Message from the Advocate

Dear Friends,

There is much to be gained when we take the time to review and reflect upon the people met and places visited over the past year. It is an opportunity to not only evaluate our progress, but to recognize our achievements and the good work done by so many on behalf of children, youth and their families across Saskatchewan and Canada.

This past year has been one of reconciliation, celebration and coming of age at the Advocate for Children and Youth. Several key events and a special anniversary occurred that signaled a continuing evolution at the office that builds on the good work done by our predecessors.

We began the year with a commitment to understand and promote the *Touchstones of Hope for Indigenous Children, Youth and Families* (Principles to Guide Reconciliation in Child Welfare). A two-day in-service for staff in mid-June left an indelible impression on everyone and encouraged ongoing reflection on our practices, values and beliefs as advocates for Aboriginal young people in Saskatchewan.

This was immediately followed with our office-wide participation in the Truth and Reconciliation National Event in Saskatoon, where the testimonies of survivors and the wise words of youth participants furthered our journey of reconciliation through the collective history of Indigenous and non-Indigenous relations in our country.

I felt the effects in my own soul as we observed each phase of reconciliation first hand during those four days: people relating respectfully; experiences shared truthfully; acknowledgement that these wrongs must not be repeated; and, honest and transparent efforts to begin restoring those broken by the Indian residential schools experience.

My only wish was that more people could experience this healing and better understand how the current circumstances of First Nations and Métis children, youth and families relate to this recent history. To that end, we continue to encourage the building of better, more respectful relationships between the Governments of Saskatchewan and Canada and the Aboriginal citizens of our province and country.

In November 2012, we had the opportunity to celebrate one of the best days of the calendar—National Child Day—when we travelled to southeast Saskatchewan for a special event at Hillcrest Elementary School in Estevan. We coupled that event with community consultations in Weyburn and Estevan that revealed significant pressures in both communities to handle the social implications of the economic boom in that region of the province.

So many bright young faces cheered for the Riders and Gainer the Gopher, who brought out the *kid* in all of us adults too with plenty of laughter and smiles all around! Later, the students'



Saskatchewan Children's Advocate, Bob Pringle, is an independent statutory officer of the Legislative Assembly.

thoughtful questions about children's rights challenged my staff and I to explain a world that does not always respect those rights and why it is important for all of us to stand up for ourselves and others when this occurs.

More quietly that same month, the Advocate office 'came of age' when we celebrated our 18th anniversary. There were no balloons or party held to mark this significant milestone; we simply continued to serve children and youth the best way we know how—by being there when they call our office and promoting their rights, interests and well-being in every single thing that we do.

Coincidentally, our maturation was recognized earlier in the fall of 2012, when the Government of Saskatchewan established an

independent statute to govern the mandate of the Advocate for Children and Youth. This legislation separated us for the first time from our fellow independent officer, the Ombudsman; although, we continue to share office space and supporting resources to ensure the efficient and effective delivery of public services.

"Achieving this stand alone legislation is a significant milestone in our maturation as an independent office that coincided with our 15th anniversary this fall. We are eager to celebrate this development and look forward to realizing the expanded responsibilities found in this new Act."

Bob Pringle
September 2012

As we continue to evolve, so do the provincial government services provided to children, youth and their families. Throughout this report, you will find analyses and perspectives on many issues. In some cases, we may disagree with decisions or directions taken or not taken by ministries and agencies. We do this respectfully and with the recognition that these are challenging times in our province and society in general, and that some very good work is being done both inside and outside of government.

Working together we can achieve better outcomes for young people, and it is my privilege to be part of those discussions as your Advocate for Children and Youth!

Bob Pringle

Advocate for Children and Youth Guiding Principles

Saskatchewan Children and Youth First Principles

All children and youth in Saskatchewan are entitled to:

- Those rights defined by the *United Nations Convention on the Rights of the Child*.
- Participate and be heard before any decision affecting them is made.
- Have their 'best interests' given paramount consideration in any action or decision involving them.
- An equal standard of care, protection and services.
- The highest standard of health and education possible in order to reach their fullest potential.
- Safety and protection from all forms of physical, emotional and sexual harm, while in the care of parents, governments, legal guardians or any person.
- Be treated as the primary client, and at the centre, of all child-serving systems.
- Have consideration given to the importance of their unique life history and spiritual traditions and practices, in accordance with their stated views and preferences.

Touchstones of Hope for Indigenous Children, Youth and Families

Relating

Working respectfully together to design, implement, and monitor the new child welfare system.

Restoring

Doing what we can to redress the harm and making changes to ensure it does not happen again.

Truth Telling

Telling the story of child welfare as it has affected Indigenous children, youth and families.

Acknowledging

Learning from the past, seeing one another with new understanding, and recognizing the need to move forward to a new path.



Children and Youth Agenda Opportunities for Change

Immediately following the release of the independent Child Welfare Review Panel's report in December 2010, the Government of Saskatchewan established a Cabinet Committee for Children and Youth and announced the creation of the *Saskatchewan Children and Youth Agenda*.

These developments appeared to signal the intention of the provincial government to create a new focus on young people with coordinated direction at the highest level, and were greeted with much enthusiasm and support by child-serving professionals and the public.

Early Assessment and Feedback

As the Agenda ramped up throughout 2011, the Advocate for Children and Youth expressed his support for its four goals:

- **Children** get a good start in life
- **Youth** are prepared for their futures
- **Families** are supported
- **Communities** are supportive

In our *2011 Annual Report*, we advised that these four goals present an opportunity to focus on the unique program and service needs of particular groups of people, while working towards better overall outcomes for children, youth and their families.

We also suggested that the early successes of the Agenda would help it to grow in the future. Notably, the province's 2011-12 budget included more than \$34 million of new investments into four cross-government strategies:

1. Child Welfare Transformation
2. Autism and Fetal Alcohol Spectrum Disorders (ASD/FASD)
3. First Nations and Métis Education and Employment
4. Building Partnerships to Reduce Crime and Violence

This investment was increased to \$40 million in the 2012-13 provincial budget and \$52 million in 2013-14.

Our initial assessment of the Agenda and these cross-government strategies was positive, and we encouraged the Cabinet Committee to seize the opportunity to:

- develop and implement additional cross-government strategies as appropriate;
- build and engage community and government support; and,
- measure change in programs and in outcomes for children, youth and their families.

We urged expansion of the Agenda to address issues, programs and services that require the further breakdown of ministry, agency and community silos to fully realize the potential of this collaborative structure. We also pointed to the *Social Determinants of Health* as a guide for what areas could be prioritized under a broader Agenda.

"...to do the best by our children we must provide them with more than physical safety—we must provide nurturing, a sense of belonging and family, a sense of self-worth and pride—a solid foundation so that they can become healthy adults."

Presenter
2010 Child Welfare Review

Current Status, New Directions and Advice

The Advocate meets with the Cabinet Committee on Children and Youth to provide feedback and advice on the issues affecting young people and the *Saskatchewan Children and Youth Agenda*. The Advocate has appreciated these opportunities to meet with this group of Ministers and Deputy Ministers to discuss the current status and new directions of the Agenda, and how it can gain momentum to truly be a government and community endeavour to improve the lives of children and youth.

This year, the Advocate office shared our concerns that while incremental progress was being made in several areas, the Agenda was losing momentum and not realizing its full potential to affect fundamental change for children and youth in Saskatchewan. The intentions of Government in creating a collaborative agenda for children appears highly positive. However, this exciting approach will only take root and grow through youth engagement, public awareness and the support of communities.

We suggest that the provincial government demonstrate it is serious about building a sustainable *Saskatchewan Children and Youth Agenda* by integrating it into key strategies such as *Saskatchewan's Plan for Growth: Vision 2020 and Beyond*, and more prominently profiling it in key communications such as the speech from the throne and budget. To date this has occurred only sporadically, so it is not surprising that when we visit with children, youth, families, professionals and community members across the province there is minimal awareness of and engagement with the Agenda.

Ministry of Health

Smokestream Campaign recognizing the right of the child to participate in decisions affecting them.

In 2012, the Government of Saskatchewan launched a new anti-tobacco campaign targeted at young people between the ages of 11 and 14 years. This age group is particularly vulnerable to experimenting with tobacco and the campaign encourages them to remain tobacco free or quit using it.

The campaign used an interactive website, www.smokestream.ca, and classroom presentations to over 3,000 students across the province to gather the thoughts of youth on tobacco use in phase one. This is a great example of how government can positively engage with our youngest citizens to develop programs and services that reflect their perspectives and needs.

The second phase of the campaign was launched in January 2013 and features compelling comments collected in phase one captured in television, cinema and online ads, which have a strong anti-tobacco message.

We commend the Ministry of Health for working with Saskatchewan youth to create this unique campaign!



The Advocate also continues to receive feedback that provincial government budget processes may not be conducive to approving collaborative initiatives across ministries, which is obviously counter to the purpose and potential of the Cabinet Committee.

Additionally, we have concerns about whether the provincial government is able to gauge whether children and youth are positively impacted by the Agenda. We cannot stress enough the importance of supports and interventions for young people that make a difference in their lives. It is a unique responsibility of government to monitor indicators of child well-being,

so that this information can guide public investments in initiatives that measurably improve outcomes for children, youth and families.

Child Welfare Transformation

The Agenda's Child Welfare Transformation strategy continues to guide work to re-shape the province's approach to child and family services. We like the term "transformation" used in this context: it speaks to the fundamental change recommended strongly in the 2010 *Child Welfare Review Panel Report*, and not a minor tinkering with the current system.

We are encouraged by the apparent involvement of First Nations and Métis agencies and organizations in planning and decision-making around the legislative review of *The Child and Family Services Act* and *The Adoption Act*. We are participating in an advisory capacity on several of the task teams set up by these partners, along with a wide range of system stakeholders.

We observe that the Ministry of Social Services has made some positive strides in implementing basic systems that we consider to be foundational to the child welfare system. This includes a long overdue automated case management system, which was implemented in 2012 throughout the province and in some First Nations Child and Family Services Agencies.

This move from paper to electronic files is designed to provide case workers with information they need to more effectively work with children and families anytime and anywhere. It should also improve system-wide knowledge and better public reporting of the number of children in care, their needs, health and education information, and legal status.

We note that the Ministry's capacity to "assess risk" of child abuse and neglect is in the process of being enhanced through the implementation of new risk assessment tools. The Structured Decision Making (SDM) model should provide frontline workers with tools for: screening cases; determining safety and emergency plans, the intensity of services required, and the focus of interventions; and risk reassessments to guide case closures, service levels, and reunification when possible.

The SDM assessment tools are being implemented in all Ministry of Social Services regional offices and in two First Nations Child and Family

Services Agencies. Planning with the First Nations Family and Community Institute for SDM implementation with additional First Nations Child and Family Services Agencies is ongoing. This approach is not a "magic bullet"; however, we do see this more evidence-based approach as foundational to a transformed child welfare system.

While we welcome the SDM model and its potential, we are concerned about services for families who are assessed through SDM as low to moderate risk for abuse or neglect. Their children may not be at imminent risk of abuse or neglect, but these families may need help from others to get past challenges and successfully raise their children. It is these cases that the 2010 Child Welfare Review Panel identified as requiring prevention supports to keep them from experiencing crisis and their children from coming into care.

"User and provider satisfaction will not increase significantly by refinements to our traditional child saving paradigm. Our basic challenge is to define a new vision for child and family welfare in Canada."

*Moving Toward Positive Systems
of Child and Family Welfare*

We see the development of a family support stream (separate from the currently mandated child welfare programs) as a very promising alternative to traditional child protection interventions, with a "flexible response" pilot project to be implemented in the Saskatoon area in Fall 2013. As the pilot progresses, it is critical that families across the province have access to support services that

will prevent the elevation of risk and the families falling into crisis.

A year or two is not long for development of a new program, but is a very long time in the life of a young child. Every effort should be made to expand preventative services for these families as soon as possible. Learning from the successful programming already being provided by some First Nations Child and Family Services Agencies in the province could be helpful to achieving this expansion.

Community support for families is a critical component in keeping families together and preventing children from coming into care. We note the development of three new community-based services providing family supports and after-hours services to families: 601 Outreach in Saskatoon, Society for the Involvement of Good Neighbours in Yorkton, and Fox Valley Counseling Services in Regina.

We further observe some apparent progress in the provincial government's stated intention to work differently with First Nations and Métis partners, as evidenced not only by the engagement in planning for the legislative review but in capacity-building among the First Nations Child and Family Services Agencies. There has been increased funding provided to the First Nations Family and Community Institute to support training for standards and policies in the Agencies and to conduct research in the area of custom adoption.

There have also been new partnership agreements for the delivery of off-reserve child welfare services by First Nations Child and Family Services Agencies in Athabasca (January 2012) and La Ronge (October 2012). All families in the service area requiring child welfare services will receive

those services from the Agency. This is indeed a fundamental change, and one with great potential to provide culturally-appropriate care for children living on and off-reserve.

The fact that the La Ronge Agency is accredited-the first Canadian First Nations Child and Family Services Agency to do so-and has fully implemented both the LINKIN case management and SDM risk assessments provides a strong level of comfort with this new approach. At the same time, it will be important to assess actual outcomes for the children, youth and families in the community to assure that this new approach is as effective as possible.

"Many Aboriginal people look upon the current child welfare system as an extension of the residential school regime, in that the impact is quite similar-involuntary removal of children from their homes and communities and a loss of family, community and culture."

2010 Child Welfare Review Panel Report

We encourage ministries other than Social Services (and other divisions within that Ministry) to be far more engaged in child welfare transformation. Their involvement is critical to developing effective responses for situations of family violence, mental health and substance abuse, and to ensuring those services are available without delay. An excellent example of this are recent investments by the Ministry of Justice into the expansion of shelters and transition housing for women and children leaving family violence circumstances.

Advocate's Applause

Prince Albert Community Partnership Prenatal Addictions Project and Family Futures Inc. *Ensuring children the right to the highest standard of health and education possible in order to reach their fullest potential.*

In 2010, employees of the Prince Albert Parkland Health Region began a targeted initiative to address the problem of substance misuse in pregnancy. The Prenatal Addictions Project's primary objective was to improve the health care of women who misuse alcohol and drugs and prevent adverse effects on their newborn children.

This past year the health region sponsored a conference, *Substance Use-Caring for Women and Newborns*, which featured Dr. Ron Abrahams of the B.C. Women's Hospital in Vancouver as a presenter. Dr. Abrahams spoke about the Fir Square Combined Care Unit that was established in 2003 at the hospital, which follows a model of care that combines a women-centered philosophy with a harm reduction model.

This conference sparked a community collaboration that created three teams to work in a more coordinated way in the areas of prenatal care, rooming-in, and discharge planning. A prenatal clinic was established in May 2012, with services provided by a physician and nurse practitioner for one half-day per week. It is integrated with a well-established community-based organization called Family Futures Inc., which is located in downtown Prince Albert and already provided an impressive range of programs and services to pregnant women and families with young children. Dr. Abrahams had reinforced the need to situate the clinic in an easily accessible, non-stigmatizing location with a meaningful connection to the people that it serves.

This community collaboration has influenced the breaking down of barriers that have prevented the flow of effective communication among service providers in Prince Albert. Notably, the referral and discharge planning team at the clinic brings together a myriad of agencies, organizations and ministries in its *Healthy Moms, Healthy Babies* and *their Circle of Care* program.

Similar to women accessing the program at B.C. Women's Hospital, many of the women accessing the Prince Albert project are Aboriginal women. Pregnancy represents a powerful opportunity to encourage change in the lives of these often marginalized members of our community.

The Advocate applauds this great work done by the health region and this non-profit community-based organization!



There needs to be acknowledgement that among the challenges for children, youth and their families is poverty. We are struck by the comments from a presenter in the 2010 Child Welfare Review: *"Poverty is exhausting for those living in it.... poverty, poor housing and unemployment are almost always present in families coming to the attention of child welfare."*

The economic and health related conditions that drive child neglect, youth in conflict with the law, and other social problems will only be tackled effectively with a thoughtful strategy to reduce poverty in Saskatchewan. The Agenda and its collaborative potential could be a home for this important work and its inclusion would signal that government recognizes and is prepared to prioritize not only changing the current child welfare system, but getting to the root causes of why young people and their families become involved in it.

Finally, as recommended by the Child Welfare Review Panel, we need to ensure that the court system works better for families: minimize the child welfare cases that go before the courts, move cases to resolution more quickly, and ensure that families, children and youth have accessible legal advice and representation if required.

We are very disappointed that a funded program of independent legal representation for children and youth in their own child welfare proceedings has not been implemented by the Government of Saskatchewan. This issue, which has been addressed in other provinces for years, has gone unaddressed in Saskatchewan for far too long. The recognition of a child's right to participate in decisions affecting them and to be represented by independent legal counsel is fundamental to any transformation of child welfare.

Advocate's Applause

Pro Bono Law Saskatchewan

Ensuring children and youth the right to participate and be heard before any decision affecting them is made.

Since January 2008, Pro Bono Law Saskatchewan has partnered with the Advocate for Children and Youth to manage a roster of lawyers providing independent legal representation to young people involved in child welfare proceedings. This program has served hundreds of children and youth over the past five years and demonstrated the benefits of elevating the voice of young people in the Courts.

Over time, the success of the program has provided an evidence-base for our advocacy efforts to change provincial legislation and policy to permit party status and access to justice for children and youth in child welfare Court processes. It has also gained support in some Courts, where appointments of independent counsel for children and youth are now being made by judges and compensation is provided by the justice system.

However, despite our successful partnership with the Ministries of Justice and Social Services, the Courts and other stakeholders to design a widely accessible program of government funded independent legal representation in 2012, implementation appears to have been deferred as it was not funded in the 2013-14 budget. Unfortunately, Pro Bono Law Saskatchewan cannot continue to indefinitely administer this responsibility, especially as the practice moves from pro bono appointments to Court appointments funded by the justice system.

We thank Pro Bono Law Saskatchewan and its roster of lawyers for their continuing commitment, and appreciate that this program no longer fits within their organization's mandate. We will be immediately engaging the Ministry of Justice to develop alternative solutions that maintain existing service levels for children and youth, while continuing to advocate for a more sustainable program of independent legal representation for children and youth in their own child welfare Court proceedings.

Until then, the good work of Pro Bono Law Saskatchewan and its committed roster of lawyers will continue!



Autism and Fetal Alcohol Spectrum Disorders

Over the past two years, we have seen increased supports for children and youth with Autism and Fetal Alcohol Spectrum Disorders (FASD) in the province. These include more therapists in all health regions, including occupational and speech language therapists, social workers and support workers. Enhanced therapeutic programming for preschool children with Autism has been developed, with the Saskatoon Health Region recently opening their Applied Behavior Analysis intensive therapy program for six children at a time. We are advised that direct client service hours have increased dramatically, up to 750 per cent in one region.

Despite these positive developments, we continue to hear from families concerned about the services available and wait times to access them. They continue to experience stressors in caring for an autistic child or children that places their families at risk of becoming involved in the child welfare system simply to access services and supports. The Ministry of Social Services has identified that a significant number of voluntary agreements that bring children into its care are due to parents not having the right combination of in-home supports to keep their family together.

For FASD, there have been program improvements such as a new mentor position at the Central Urban Métis Federation Inc. (CUMFI) in Saskatoon to work with mothers with FASD who care for their own children or are working toward getting their children back from the care of the Ministry of Social Services. Children in the FASD Family Support Program are staying in school and have improved their school attendance. Three model projects focusing on prevention for pregnant women at high risk of having a child

with FASD are underway in Regina, Saskatoon and Prince Albert.

Unfortunately, this is an area where need and demand for services continues to grow and some areas have very few services available. Government and community efforts towards prevention are appreciated; however, we must also support young people and the families that care for them as they attempt to maneuver through school and life with the challenges of FASD. We need to have a supportive culture across service providers—in health, education, justice, corrections and social services—that understands and recognizes the unique effects of FASD on thinking and feeling.

Beyond the attention paid to Autism and FASD, there is also tremendous room for collaboration within the *Saskatchewan Children and Youth Agenda* to support young people with other types of physical and cognitive disabilities. We observe some progress in ministries working together in this area, despite the fact that the structures of government are not always conducive to the collaboration necessary to get to the causes of family challenges. However, we continue to promote the need to better integrate and deliver health, mental health and addictions strategies supporting children, youth and their families.

Building Partnerships to Reduce Crime

This year has seen a significant focus on community partnerships to reduce crime and other negative social conditions that impact children and youth. We have seen local models (often referred to as the Hub Model) use the Building Partnerships to Reduce Crime approach, adapted and implemented to suit local needs in Yorkton, North Battleford, La Ronge, Prince Albert, Swift Current and Moose Jaw regions. We understand

there are also other local models under development, including in the southeast and Nipawin.

We are particularly pleased to note the tracking and reporting of progress with initiatives such as Community Mobilization Prince Albert (CMPA). We are advised there was a 14 per cent reduction in crime, 12 per cent fewer public prosecutions, 10 per cent fewer emergency room admissions, and 130 child abuse and neglect files diverted from out-of-home care. These numbers are a significant start, and prove that working together across sectors has positive results for children, youth and families, and cost savings for society.

In our 2011 *Annual Report*, we advised that the Agenda cannot be just a government initiative and that there was a compelling need to focus on the fourth goal—*Communities are supportive*—as it is essential to the success of the first three. A robust, sustainable system of community-based committees, structures and solutions need to be supported by and connected to provincial government strategies. Through the HUB model pioneered in Prince Albert we see some progress, but urge further action on establishing these relationships and focused attention on collaboration among government ministries, agencies and communities.

We caution that the right of youth to participate in decision-making affecting them should be respected by these programs because self-determination leads to buy-in to change. One benefit to having youth engaged in discussions about themselves is that confidentiality may be waived by the youth with better information sharing between service providers the result. We hope that any evaluation and expansion of these programs considers the perspectives of the young people involved and we believe that their voices can contribute to the success of this and many other community-based initiatives.

Eliminating Education and Employment Gaps for First Nations and Métis People

We have encouraged greater emphasis on early childhood development as critical to the success of the *Saskatchewan Children and Youth Agenda*, and we continue to see progress in this area. There is clear evidence that quality early learning and child care experiences optimize child development, preparing children for success in school and life.

Last year, 500 new childcare spaces were developed, with 12,410 in operation as of December 31, 2012. Growth in this area has been strong recently, but Saskatchewan continues to lag behind the other western provinces. Additionally, quality in the early years sector has been enhanced through mentoring and site visits where participants can see high quality practice in action; intensive training including video feedback on interactions with children in day care settings; and, a number of workshops to support participants to gain a

deeper understanding and ability to implement the early years program guide.

At the same time, the gains of early childhood initiatives can be quickly lost without continuing interventions such as having the option for full-day kindergarten, easily accessible and timely special need supports in schools, and addressing the living conditions that determine the health of these children.

We were pleased to see the Joint Task Force Agreement between the Government of Saskatchewan and the FSIN in March 2012. The economic and social well-being of the province are inexorably linked, and this agreement to find ways for First Nations people to be more fully engaged in the economy is a critical step. As part of this initiative, we have seen increases in prekindergarten programming, a marked increase in Aboriginal apprentices in trades and technical training, literacy camps and funding for innovative new Individual Achievement Accounts.

It is vital to set very ambitious targets for narrowing the education and employment gaps between First Nations, Métis and non-Aboriginal young people. The success of this strategy will be closely tied to progress that can be made in developing additional strategies in the *Saskatchewan Children and Youth Agenda* such as a poverty reduction strategy, which in itself could significantly improve the ability of Aboriginal children and youth learning outcomes.

We repeat our call in last year's Annual Report for the Task Force to consider education and life skills programming for youth in care or custody of the province, and their transition to adulthood. These young people, predominantly Aboriginal, are at particular risk of poor life outcomes as they age out of the child welfare or young offender systems. We know that too often they move from these systems to income assistance programs, and have not learned the skills to support and take care of themselves as adults. There is a significant responsibility when the state becomes a parent to ensure that youth in care have the opportunities and supports to become successful as adults.

Advocate's Applause

Ministry of Justice and Attorney General *The Advocate for Children and Youth Act*

In 2008, the then Children's Advocate proposed amendments be made to the legislation governing the activities of our office to enhance our abilities to serve the children and youth of Saskatchewan. Key to these changes was securing our own distinct legislation, which better reflected the Advocate office's evolution over its then 15-year history and our rights-based focus.

Last year, the Government of Saskatchewan prioritized these legislative changes with the passage of *The Advocate for Children and Youth Act* and *The Ombudsman Act*.

We thank the Ministry of Justice and Attorney General for their advice and great work in drafting and consulting on our new Act!



What's Next?

The Advocate for Children and Youth will continue to monitor progress made in developing and promoting the *Saskatchewan Children and Youth Agenda*. Our hope is that serious consideration be given in 2013 to expanding the number, scale and scope of Agenda strategies, and that outcome measures are developed to assess progress toward meeting the Agenda's four goals. As always, our office will encourage more collaboration across ministries and agencies, and as importantly, between communities and government.



Rights of Children and Youth Raising Awareness and Promoting in Legislation

Throughout this report, you will see us highlight the rights of children and youth in accordance with the 54 Articles of the *United Nations Convention on the Rights of the Child*, which we have simplified for easier use by communities and the Government of Saskatchewan into the *Saskatchewan Children and Youth First Principles*.

As UNICEF Canada explains, the Convention sets out the minimum rights and freedoms of individuals that should be respected by governments. A special treaty for young people was necessary given their vulnerability and dependence. The basic principles of these rights and freedoms are:

Non-discrimination

The rights of each child are to be respected without discrimination of any kind. It does not matter if children are boys or girls, if they are rich or poor, what their religion, ethnicity, or language is, or whether they have special needs. All children have rights.

The best interests of the child

When decisions are made that affect the lives of children, the Convention says that it is very important to think about what is best for the child.

The right to survival, life and development

The Convention says that governments should do their best to protect children from harm, and to help children live and grow to be the best they can be.

Participation

Children have the right to give their opinions in all matters that affect them and to have their voices heard. Children's views should always be taken seriously.

The proper exercise of children's rights fosters respectful relationships between children and their peers and between children and adults. Human rights are interdependent and indivisible—one person's rights cannot be at the expense of another's rights. The provision and protection of the Convention's rights is the primary responsibility of governments at all levels, and realizing the promise of the Convention is an ongoing, progressive commitment.

Practically every area of government public policy affects children and youth to some degree; and, because all human rights are interconnected and of equal importance, government decisions with regard to any one right must be made in the light of all the other rights in the Convention.

As a respected leader in the world, Canada played an active role in the Convention's development and ratified it on December 13, 1991. Since then, a number of federal and provincial laws, policies and practices affecting children have recognized these human rights and resulted in significant social change.

While the *Canadian Charter of Rights and Freedoms* applies to all of us including children and youth, the rights and potential of the Convention

"Millions of children are victims of violence and exploitation. They are physically and emotionally vulnerable and they can be scared for life by mental or emotional abuse. That is why children should always have the first claim on our attention and resources. They must be at the heart of our thinking on challenges we are addressing on a daily basis. We know what to do, and we know how to do it. The means are at hand. It is up to us to seize the opportunity and build a world that is fit for children."

*Ban Ki-moon, UN Secretary General
Remarks on the 20th Anniversary of the
Convention on the Rights of the Child
November 30, 2009*

are yet to be fully realized in domestic law in our country.

Recently, the Advocate office has been advising task groups reviewing *The Child and Family Services Act* and *The Adoption Act* in Saskatchewan. We have noted that the current statutes are strong on defining the authority of government, namely the Ministry of Social Services, but do not include much recognition of citizens' rights. This includes children's rights, as well as the rights of parents, foster parents, extended family or other caregivers, professionals and other stakeholders as they come into contact with the child welfare system.

In March 2012, the Advocate forwarded comments and advice regarding *Bill No. 36 – The Constituency Boundaries Amendment Act, 2011* to the Minister of Justice and Attorney General for consideration. The Advocate highlighted that the benefits of counting children and youth as people worthy and rightful of representation are plentiful, while excluding them discourages active engagement on an age appropriate basis in our civil society.

It was the Advocate's perspective that the proposed amendment to no longer include citizens under the age of 18 in the population calculations was counter to the interests of children and youth. Furthermore, a clear consequence of discriminating by age in Saskatchewan is that it particularly affects the political representation of Aboriginal peoples and new immigrants and refugees due to their much younger demographics.

In December 2012, the Advocate for Children and Youth joined his provincial and territorial counterparts to welcome Marta Maurás, Vice-President of the United Nations Committee on the Rights of the Child to observe first-hand Canada's

implementation of the *United Nations Convention on the Rights of the Child*. Maurás' visit closely followed the third and fourth periodic review of Canada's implementation of the Convention, which occurred this past September in Geneva, Switzerland. The periodic review process focuses heavily on government submissions, explanations and responses to questions. The Council thought that it was important for Maurás to visit Canada to also hear directly from and about the concerns of youth and the country's child and youth advocates.

As part of Canada's periodic review, the United Nations expressed concern over the lack of improvement to child poverty rates, continuing child health issues including unhealthy weights and mental illness, and inadequate monitoring mechanisms for tracking the well-being of children. The review also found insufficient accounting of government spending on children, and coordination between various levels of government when it comes to serving Canadian young people.

In February 2012, the Council presented at a special session of the UN Committee its 2011 report on Aboriginal children in Canada. The Committee was very interested in the identified concerns about key systemic and child rights issues in Canada

including the health, education and safety of Aboriginal children and youth.

Sixteen-year-old Collin Joseph Starblanket from the Star Blanket Cree Nation in Saskatchewan also met with Maurás during her visit and had attended the special session as one of six First Nations Youth Ambassadors for Canada selected by the First Nations Child and Family Caring Society. The Advocate office sponsored his travels as a member of the youth delegation.

What's Next?

We continue to monitor the provincial legislative agenda and will provide advice as warranted when new acts or amendments affecting children's rights are introduced. In 2013, this work will include advocacy for long-standing recommendations in the legislative review of *The Child and Family Services Act* and *The Adoption Act*. The Canadian Council of Child and Youth Advocates continues to promote awareness of Canada's periodic reporting to the Committee on the Rights of the Child, as well as its record on implementing the articles of the *United Nations Convention on the Rights of the Child* in domestic laws and addressing the significant issues affecting young people in our country.



First Nations Youth Ambassadors (including Saskatchewan's Collin Starblanket second from right) meet with the United Nations Committee on the Rights of the Child February 6, 2012 (photo courtesy of KAIROS)



November 20, 2012 National Child Day Celebrations!

Every year, November 20th is National Child Day around the world. Proclaimed by the Government of Canada in 1993, it celebrates two historic events for children—the adoption of the *United Nations Declaration on the Rights of the Child* in 1959 and the *United Nations Convention on the Rights of the Child* on November 20, 1989.

In 2012, Bob Pringle and regional Advocate Jacqueline Peters celebrated National Child Day with the students of Hillcrest Elementary School in Estevan. Roughriders Milt Collins and Chris McKenzie signed autographs and spoke about the right to play, while Gainer the Gopher was up to his usual antics and everyone's favourite! Special thanks to Principal Kathy Fowler and the staff of Hillcrest for such a warm welcome!

Later that same week, regional Advocate Rhonda Johansson continued the celebration when she presented self-advocacy skills and National Child Day t-shirts to grade seven students from throughout Good Spirit School Division at Dr. Brass School in Yorkton!





Aboriginal Children and Youth We Must Do Better

If the title of this section sounds familiar, it is. We used it last year and we have said it more times than we can count—**we must do better** for Aboriginal children and youth in Saskatchewan and Canada. Indigenous peoples have a strength and resiliency that must be drawn upon to effect positive change for their families and communities.

Aboriginal young people have high rates of disabilities and special needs; significantly poorer education and health outcomes than the general population; require protection from abuse, trafficking and exploitation; are at higher risk to become involved in the child welfare and justice systems; and are disproportionately affected by poverty-related conditions such as homelessness, economic exclusion and lack of income security.

Current outcome indicators for First Nations, Métis and Inuit children and youth reveal significant gaps between them and their non-Indigenous counterparts in almost every facet of the education, health, justice, economic and social sectors. That is why the Advocate for Children and Youth continues to speak out for meaningful change in how Aboriginal people and their leaders are engaged and supported by both the provincial and federal levels of government.

We believe in modelling what we expect of others and have committed to growing our understanding, support and engagement of Aboriginal culture, history and issues. In 2012, the Advocate prioritized professional development for all staff of the

office on the *Touchstones of Hope for Indigenous Children, Youth and Families*, which the Advocate office adopted in 2011 as part of our guiding principles when promoting systemic change and working with Aboriginal young people and families.

We contacted the First Nations Child and Family Caring Society to learn more about the training opportunities available and were introduced to local trainers Diane and Bonnie Musqua. They are Saskatchewan-based professionals who were on contract with the Ministry of Social Services to conduct various types of training across the province and were trained by the Caring Society to deliver workshops on the *Touchstones*. The Musquas and their mother, elder Thelma Musqua, facilitated a two-day workshop with our office in June 2012.

The *Touchstones of Hope* principles are meant to be interpreted within distinct cultures and contexts of Aboriginal communities according to a four stage reconciliation process: relating, restoring, truth telling and acknowledging. As the Caring Society explains, reconciliation cannot be classified as a single event. Rather, reconciliation is a movement carried forth through events, moments between individuals, and most importantly, through the building of respectful relationships.

The *Touchstones of Hope* are intended to be infused throughout the child welfare system from research to practice, and the movement encourages building and sustaining relationships with others devoted to ensuring that Aboriginal children are healthy and living in dignity and respect.

"While all Canadian children and youth require and deserve our investment of time and resources to realize their potential, Aboriginal young people require more substantial supports, interventions and opportunities to succeed and to counter the inter-generational trauma experienced by their families and communities."

Bob Dring
Letter to the Prince of Wales
December 26, 2012



June 13-14, 2012

Touchstones of Hope Staff Workshop

This professional development workshop offered exceptional opportunities for learning and discussions about the family systems of First Nations communities, the history and impact of residential schools and other assimilation policies in Canada, and the links between the loss of parenting capacity in families forcibly separated and the over-representation of Aboriginal children and youth in out-of-home care today. It provided new perspectives on the distinctions between the western view and functions of the family and those of First Nations.

Subsequently, the Advocate for Children and Youth recommended that the Ministry of Social Services provide training to all Child and Family Services staff on the *Touchstones of Hope for Indigenous Children, Youth and Families* as a first step in achieving better outcomes for First Nations and Métis children and youth. We are pleased that a plan to do this is currently being developed by the Ministry of Social Services.





**Federation of Saskatchewan Indian Nations and Advocate for Children and Youth
Sign Letter of Understanding, September 18, 2012**
(L to R) Vice-Chief Dutch Lerat and Advocate Bob Pringle

The timing of the Touchstones training was such that the very next week the Truth and Reconciliation Commission of Canada (TRC) was in Saskatoon for its fourth national event. Commission Chair Justice Murray Sinclair and commissioners Chief Wilton Littlechild and Marie Wilson welcomed the public to this special event that was free and open to everyone.

According to the Commission and as experienced by our staff and the Advocate for Children and Youth, these national events provide an important forum for those affected by the legacy of the Indian residential school system to share their experiences. They also serve to educate and enrich the broader public about Canada's 130-year history of residential schools, and today's legacy both for Aboriginal communities and Canadian society in general.

In preparation for the Saskatoon event, the Commission held public hearings in eight communities throughout Saskatchewan where

survivors shared their experiences with the TRC in public and private sessions. In each of these communities, the Commission was welcomed into venues that were full to capacity with survivors and witnesses. Additionally, people tuned into the webcast from all over the world.

"We will reveal the truth about residential schools, and establish a renewed sense of Canada that is inclusive and respectful, and that enables reconciliation."

Truth and Reconciliation
Commission of Canada
Vision Statement

The TRC national event in Saskatoon continued the spirit of open dialogue and offered a unique experience for all Saskatchewanians, both Aboriginal and non-Aboriginal. It was an opportunity for everyone to learn

more about residential schools, to learn from those who attended the schools, and to celebrate Aboriginal culture and peoples. It was a privilege for us to attend and participate.

A significant priority in 2012 was to finalize a letter of understanding between the Advocate for Children and Youth and the Federation of Saskatchewan Indian Nations. A special signing ceremony was held last fall that established a foundation that will build on mutual respect and trust to address issues specific to First Nations children and youth receiving child welfare, health, education and justice services within Saskatchewan.

At the close of 2012, the Advocate for Children and Youth sent a letter to Prime Minister Stephen Harper urging the Government of Canada to engage more meaningfully and work more respectfully with Indigenous leaders and communities to address social, education, economic and health disparities. The Advocate encouraged the Prime Minister to visit Indigenous communities to see first-hand the reality of life on reserves, and to personally meet with Aboriginal, provincial and territorial leaders to collaboratively address and solve treaty, economic and social issues.

What's Next?

We will continue to expand our knowledge and understanding, and build relationships with Indigenous children, youth, families, leaders and communities to better support the perspectives and issues of these proud people. Saskatchewan and Canada must address the social, education, economic and health disparities affecting First Nations, Métis and Inuit young people for their and all of our well-being, now and in the future.



June 21-24, 2012

Truth and Reconciliation National Event

The Advocate for Children and Youth was invited to sit on a "listening panel" with other adults to hear the perspectives on and questions about the residential school system from Saskatchewan youth. This was part of a busy slate of Education Day activities held on one of the days of the Truth and Reconciliation National Event held in Saskatoon. Thousands of students and teachers participated in these special learning opportunities.

The staff of the Advocate's office were encouraged to participate on an individual and group basis as they desired throughout the four-day event. In addition to witnessing the experiences of those who attended the schools, several staff had their own personal testimonies to give including the Advocate who provided an emotional plea for Canada to do better for this and future generations of Indigenous children and youth.





Out-of-Home Care A Higher Duty of Care for Children and Youth

Separating a child from his or her parents has immediate and lifelong impacts on their physical, emotional and psychological well-being. Therefore, the 2010 Child Welfare Review Panel recommended fundamental system change to create an easily accessible preventive family support stream for all families who need it and a much smaller formal child welfare stream for families where the authority of the courts is required.

In those unfortunate but necessary cases where a child or youth is in need of protection and is brought into the temporary, long-term or permanent care of the government, there is particular need to provide an environment where they will not only be safe, but will be healed and nurtured. There is a higher duty of care required when a young person is required to live apart from their family.

Concerns involving this group of children and youth in "out-of-home" care represent the vast majority of calls for service to our office. We find these cases have one or more rights-based issues at their core. These rights are summarized in the *Saskatchewan Children and Youth First Principles*, which if used as a guide for service delivery and decision-making would prevent much of the need for advocacy by our office. Our collective experience advocating for the rights of individual children and youth leads us to identify broader systemic concerns affecting these vulnerable young people.

"Every child is unique and the separation from parents and the placement in out-of-home care should always be looked at case by case. There is no one solution which fits all situations...there are obstacles standing in the way of this ideal path towards individualization of solutions...one important obstacle is often our pattern of thought, among other things, the lack of creativity, the lack of will to change old habits and customs, and gaps in the training or in the knowledge of existing resources."

*Committee on the Rights of the Child
Report on the 40th Session
September 2005*

Foster Care

Family-based resources continue to be the foundation of out-of-home care for the majority of children and youth in Saskatchewan. Foster parents are essential caregivers in our child welfare system and we thank them for their good work, which can often be unnoticed or under appreciated.

There have been many improvements made to the foster care system since 2009 that have reduced the number of children coming into foster care, the number of children living in overcrowded foster homes, and the number of overcrowded foster homes in Saskatchewan.

In 2012, a new foster care building, health and safety policy was approved and implemented; and to enhance the safety of children in foster care, certification in first aid and cardiopulmonary resuscitation (CPR) is now mandatory for all Saskatchewan foster parents.

Also, all foster homes with over four children were assessed by the Ministry of Social Services. The results of this review were shared with our office and we were assured that appropriate supports were added where a need was identified. However, the Advocate for Children and Youth remains vigilant about children and youth living in foster homes that may not have the capacity and supports to care for them safely.

We continue to advocate for the safety of children and youth in foster care including: increased supports for foster homes; investments in Ministry of Social Services staffing, and improved monitoring; and, supervision of children and youth placed in foster care.

We want to ensure that the assessed capacity of any foster home is respected and, if that assessed capacity is exceeded, the proper supports and supervision are put in place by the Ministry to ensure that any "stressors" are addressed and the foster home is safe for the children and youth placed there.

While we understand that there continues to be a shortage of foster care resources, proper placement matching must be done to ensure the number, age and needs of the children placed can be managed. There also needs to be adequate resources available within the Ministry of Social Services for caseworkers to meet contact and case planning standards. Good casework practices are essential to reducing any potential for harm to children and youth living in out-of-home care. So are good policies to guide that practice.

In the Government of Saskatchewan's review of *The Child and Family Services Act*, we are advocating for changes to legislation and regulations to create an accountability framework for the licensing of foster homes that includes stipulations regarding physical accommodations and the maximum number of children to be placed in each type of licensed home.

Like licensed daycares in the province, restrictions on the number of children based on their age and needs should be part of the licensing of foster homes because higher numbers of

Advocate's Applause

Ministry of Social Services

Research on youth leaving care recognizing the right of youth to participate in decisions affecting them.

In 2012, the Ministry of Social Services contracted Prairie Research Associates to conduct qualitative focus groups with current and former youth in care.

The Ministry indicated that the information gathered from this research will be used to develop strategies for helping youth more successfully make the transition to adulthood. This important information is already being used in the current legislative review of *The Child and Family Services Act*.



The findings reinforced the Advocate office's open recommendations calling for more practical and emotional support, better access to information, and financial, mentoring and peer support for youth aging out of Saskatchewan's child welfare system.

We encourage the Ministry to continue to consult with children, youth and their families to learn from their experiences and unique perspectives.

children in one person's care and larger groups of children present a number of known health and safety risks. Licensing in other jurisdictions has also proven to protect the rights of foster parents in their relations with the child welfare system.

Peer and Group Homes

One solution to the reduced numbers of foster homes over the past five years has been the rapid development of peer and group homes. Many of these residential resources are built and operated by community-based organizations with good track records of positive outcomes for youth placed in their care by the Ministry of Social

Services and First Nations Child and Family Services Agencies.

Having options for different types of residential placements is important to meet the varying needs of youth in care. Our experience is that many young people thrive in these environments if there is proper matching between their needs and the residential resource.

However, we do caution that there has not been a corresponding growth in human and financial resources within the Ministry of Social Services dedicated to providing supports to and monitoring of these expanded resources. It is our experience that this service is required to ensure the appropriate training of staff

occurs, appropriate case planning and management is done, and that standards of care are met.

We encourage the Ministry to invest in these quality assurance measures as a proactive way to prevent issues that may be reported to our office.

Persons of Sufficient Interest

For several years the Advocate for Children and Youth office has expressed to the Ministry of Social Services serious concerns about the safety and standard of care and entitlements received by children and youth living in out-of-home placements with a Person of Sufficient Interest (PSI).

We strongly support efforts to place children and youth with extended family caregivers whenever possible. However, the current legislated framework used in the majority of these cases, PSI Court orders, is not sufficient to ensure the safety of the young person placed or support these caregivers in their responsibilities. In 2012, an issue arose that highlighted the confusing nature of the legal status of these placements when the Canadian Revenue Agency disallowed PSI caregivers from claiming the child tax and other benefits.

In June 2010, the former Children's Advocate was so concerned about issues related to PSIs that he recommended to the Child Welfare Review Panel and Government of Saskatchewan that *The Child and Family Services Act* be amended to eliminate this legislative option for children and youth brought into care.

In April 2012, we reviewed our concerns with the Ministry once again.

Case Study

The right to be safe and protected from all forms of physical, emotional and sexual harm, while in the care of parents, governments, legal guardians or any person.

On August 2, 2012, the Ministry of Social Services notified the Advocate for Children and Youth of the critical injuries of two young girls who suffered severe neglect and abuse in a Ministry approved and Court ordered placement with extended family. Six days later, we received notification that one of the girls had died.

The two caregivers were originally charged with two counts of criminal negligence causing bodily harm when the children were first hospitalized. However, they were subsequently accused of manslaughter and are currently awaiting trial.

Upon receiving notification of the critical injuries and death, we opened an advocacy file for the surviving sibling to ensure she was receiving enhanced services following the tragic loss of her sister. Information gathered from the Ministry of Social Services confirmed that upon her release from hospital she had been placed in foster care and was now recovering physically and emotionally with the appropriate nurturing and care of the foster parents and various professionals.

The Advocate office also continued discussions with the Ministry of Social Services regarding the safety of children and youth living in out-of-home care under Person of Sufficient Interest (PSI) Court orders. In these cases, the Ministry has a limited mandate to provide supports, supervision or monitoring unless ordered by the Court. Also, children and youth in these placements have fewer rights and service entitlements than those living as wards of the province.

These are long-standing issues that we have raised on many occasions including in the Advocate office's submission to the 2010 Child Welfare Review Panel and in subsequent conversations with the Ministry of Social Services. In April 2012, the Ministry and our office committed to work together to address our concerns and some progress was made. In late 2012, the Advocate office and Ministry agreed to undertake a joint review of the PSI program and related issues.

While we work on the broader systemic level to achieve change that would hopefully prevent the critical injury or death of another child or youth in PSI care, we are awaiting completion of the Coroner's investigation and Ministry of Social Services' critical injury and child death reviews in this case. Once we have received these documents, our office will determine whether to do a full investigation into the services provided to these two young girls. This work is also dependent upon the timely resolution of any criminal charges in the case.

These included the need for an:

- Improved mutual assessment process that is fair and transparent between the Ministry of Social Services and the prospective PSI caregiver, and applies a standard of evaluation and approvals greater than those found in foster care (due to there typically being few legal requirement or permission for the Ministry to supervise and monitor the well-being of the child or youth in PSI placements).
- Equitable system of supports and services that assists the child, youth and caregiver to: strengthen the new family; prevent breakdown of the PSI placement and mitigate the impact on the child or youth of others forms of family crisis such as divorce or death; meet legal, financial, special and post-adolescent health and education needs; and, maintain relationships with parents, siblings, extended family and community of cultural origin.

- Enhanced legal, policy, program and practice framework for extended family care to: better meet the needs of children and youth; establish and support Ministry staff in meeting appropriate standards of care; build on current regional best practices; and, measure the short and long-term impact on and outcomes for children and youth in these placements.

We have been encouraged by the Ministry of Social Services' initial response to our concerns, as well as the prompt notification and communication regarding the tragic death of a child in a PSI placement this past summer.

Though disheartened by this tragic loss, we are hopeful that a PSI program review and the legislative review of *The Child and Family Services Act* currently underway will hasten changes to the child welfare system that can prevent this happening to another child or youth. Our office is advising on and will be

monitoring and evaluating the results of both initiatives.

Case Management and Planning

As in past years, the majority of the complaints received by our office continue to have case management and planning as the primary issue. We believe that these cases would not need the intervention of one of our regional Advocates if there was:

- improved and more frequent information sharing between the child or youth and caseworkers;
- cultivation of integrated case management, resolution of disputes and creative problem solving by service providers; and,
- recognition of the rights and entitlements of the child or youth found in legislation, policy and practice guidelines.

We continue to believe that part of the solution to these issues is to address the habitual overloading of

Child and Family Services System in Saskatchewan

	2008	2009	2010	2011	2012
Children and Youth in Out-of-Home Care (Provincial System)	4814	4797	4754	4649	4557
Wards	3588	3390	3263	3039	2896
Non-Wards	1226	1407	1491	1610	1661
Children and Youth in Care (First Nations System)	1166	1206	1176	1139	N/A
Foster Homes (Provincial System)	770	729	691	626	623
Foster Homes with more than Four Children or Youth Placed	136	96	79	77	63
Children and Youth Living in Foster Home with more than Four Children or Youth Placed	925	596	483	457	370

Source: Ministry of Social Services, Child and Family Services Statistics, December 2012.

child protection and family services worker caseloads, so that staff can better meet contact and case planning standards. The return on investment of giving case workers simply more time to spend with children and youth in care would be significant and could prevent many of the concerns referred to our office.

The current legislative review of *The Child and Family Services Act* also provides an opportunity for the Ministry of Social Services to implement our active recommendation to legislate or regulate supervisor to caseworker ratios and caseload standards for all workers within the child welfare system.

Inter-Provincial/ Territorial Transfers

In late 2012, issues began to emerge more frequently concerning individual or groups of children and youth who move between provinces and/or territories, and are subject to inter-provincial/territorial child welfare transfer agreements. In the course of resolving several individual advocacy cases, we had many discussions with Ministry of Social Services officials at various levels to address these concerns.

Some of these were related to areas within Saskatchewan's child welfare system that may affect all children and youth, such as issues connected to Person of Sufficient Interest court orders and placements.

However, other concerns appeared to be more directly related to how case files are administered, managed and monitored under inter-provincial/territorial transfer agreements.

Case Study

The rights to be heard before any decision affecting them is made, and to be treated as the primary client, and at the centre, of all child-serving systems.

A 15-year-old cognitively delayed youth in out-of-home care contacted the Advocate for Children and Youth because she did not know what her case plan was or why she was in care. Over the course of delivering advocacy services, we identified a number of other issues including:

- Lack of contact with her siblings also living in care, but apart.
- Non-compliance with contact standards.
- Interpersonal conflict with foster home placement.
- Child welfare Court process delays.

We arranged a case conference with the Ministry of Social Services caseworker to ensure the youth was made aware of the case plan and the reasons why she was not returned to parental care. The youth was told that she would not be placed for adoption, which is what she wanted. The caseworker explained that although this may be the plan for her siblings, the youth's wishes were recognized and respected.

The issue of non-compliance with contact standards and resulting lack of regular communication and contact with a caseworker was addressed by the Ministry of Social Services. A Child Care worker was specifically assigned to the youth separate from the Family Services worker providing supports and services to the broader family.

The Ministry also referred the youth to counselling, and mediation was attempted between the youth and her previous foster parents to try to place the youth back in the same home as her siblings. This was not successful to the point of returning the youth to the home.

However, this process was able to create a relationship between the youth and the foster parents that allowed her to remain in frequent contact with her siblings. An alternative long-term residential resource was found where the youth has been living since.

In regard to the Court delays, the Advocate office referred this youth and the siblings to Pro Bono Law Saskatchewan for assignment of independent legal representation.

Although this youth has cognitive disabilities and does not retain information readily, our involvement in this case could have been prevented if she had felt the caseworker was more accessible on a frequent and consistent basis, and she had a voice in her case plan.

We have also recognized through discussions with our counterparts in other provinces and territories that young people in out-of-home care moving between jurisdictions face unique circumstances in remaining safe and accessing services and supports.

Based on a collective analysis of these individual cases, we have more recently requested additional information from the Ministry of Social Services to determine if there are any significant systemic issues that require research, investigation or advocacy.

What's Next?

The Advocate for Children and Youth's work on behalf of children and youth in out-of-home care is an ongoing effort that is highly dependent on the concerns reported and referrals made to our office. We will continue to identify trends and systemic issues as they occur within these individual cases and communicate with all levels of the Ministry of Social Services and with First Nations Child and Family Services Agencies to successfully resolve these concerns.

Case Study

The right to have their 'best interests' given paramount consideration in any action or decision involving them.

On December 12, 2012, the Advocate for Children and Youth tabled *In the Matter of E.J.H. and K.G.H. Administrative Fairness Investigation Report* in the Saskatchewan Legislature. The Advocate initiated this investigation on behalf of two children who had been involved in child welfare proceedings before the Court of Queen's Bench in Prince Albert.

Collectively, the children and mother in this case experienced shortcomings in all three aspects of administrative fairness—what was decided, how it was decided and how they were treated. While a complex case, we found that not all decisions made by the Ministry of Social Services respected the children's rights; including the important right to live with their parents if at all possible.

The Advocate made five formal recommendations to the Ministry of Social Services including two to review staff compliance with existing policies, and one to develop and implement policy, practice guidelines and training to ensure staff can effectively identify and manage cases involving parental mental health issues. These recommendations were accepted and work is already underway to address the issues identified and intent of each one.

The Advocate also observed that issues of relational fairness in this case reflected common tensions between the child welfare system and Aboriginal people. As a First Nations woman, the parent had aged out of the child welfare system herself, and struggled with reconciling her past with a system that appeared not to understand her lived experience.

As a result, we recommended that the Ministry of Social Services provide training to all Child and Family Services staff on the *Touchstones of Hope for Indigenous Children, Youth and Families*. The Ministry has already completed this work in the region where this case originated, and has plans to do so on a wider basis beginning in April 2013.

The Advocate concluded that fundamental change in child welfare, as outlined in the *2010 Saskatchewan Child Welfare Panel Report*, could have made a difference to this particular family. Rather than building a case for apprehension, the system should be focused on making court processes less adversarial, providing services and supports more closely aligned with culture, and on answering the question: "What supports does this mother need to successfully raise her children?"

Some additional advice was provided specific to these children and their mother. The shortcomings in administrative fairness for them needs to be acknowledged, and optimal supports put in place to help this family. Their story is important, not solely because of what did or did not happen, but because it allows us to consider how we perceive children and the fulfillment of their rights.



Custody and Supervision Fair Treatment, Services and Supports

The young offender system in Saskatchewan and throughout the country underwent significant change in 2012.

First, amendments to the *Youth Criminal Justice Act* (YCJA), which were opposed by many in the justice community and from advocacy groups across Canada, came into effect last October. While it is too early to fully assess the impact of these changes, the Saskatchewan Advocate for Children and Youth remains concerned about the resulting shift in philosophy of the YCJA from that of prevention and rehabilitation to a punitive model with more and longer custodial sentences for some young offenders.

Saskatchewan already has an incarceration rate for young people that is three times the national average and third highest in the country

behind the Northwest Territories and Manitoba. That rate increased in 2012, but remained lower than the five-year high in 2008-09.

The Ministry of Justice Corrections and Policing Division has acknowledged that high incarceration rates are concerning and has promoted a balanced approach to deal with risk factors in communities and families that lead to criminal behaviour, such as low levels of education, substance abuse, absenteeism in schools, associating with criminals and mental health issues.

Second, it was learned through media analysis in early July 2012 that the federal government was reducing funding for young offender programming by 20 per cent without any consultation with provincial ministries or agencies tasked with administering this system. To date, we do not know fully how this will affect

"The Committee is deeply concerned at the fact that the 2003 Youth Criminal Justice Act, which was generally in conformity with the Convention, was in effect amended by the adoption of Bill C-10 and that the latter is excessively punitive for children and not sufficiently restorative in nature."

*Committee on the Rights of the Child
Report on the 2012 Session
Concluding Observations: Canada
October 2013*

Young Offender System in Canada

	NF & LA	PEI	NS
Total actual-in count	19.8	9.9	42.6
Total sentenced custody	15.1	8.9	22.5
Sentenced secure custody	10.5	3.2	1.7
Sentenced open custody	4.7	5.8	20.8
Remand and other temporary detention	4.6	0.8	18.7
Incarceration rates per 10,000 young persons	5.9	8.92	6.7
Total community supervision count	313.8	145.4	
Probation	271.1	137.8	
Community portion of custody sentence	37.8	7.3	
Deferred custody	4.8	0.3	
Intensive support and supervision	0.3	0.0	
Probation counts per 10,000 young persons	80.6	124.0	

programming for young offenders in Saskatchewan, but coupled with the significant costs of a philosophical shift towards locking up more youth, we cannot expect that current levels of rehabilitation programming can be maintained or any needed expansion or improvements will be done without significant investment by the provincial government.

Third, following a provincial Cabinet shuffle in Spring 2012, several staffing and structural changes in the delivery of young offender programs have been initiated in Saskatchewan. While our office is encouraged by some of these initiatives, such as evidence-based strategies to address risk factors for youth criminal activities, we caution about others.

Of significant concern is a direction to consolidate young offender and adult policies and administration. While we appreciate the desire to find efficiencies and to re-direct any savings this might generate into evidence-based prevention programs and interventions, we hope that the unique vulnerabilities that afford youth under 18 years of age with the rights of the *United Nations Convention on the*

Rights of the Child are not forgotten as this work proceeds. Notably, the notion that young offenders are distinct from adult offenders is recognized in section 3(b) of the *Youth Criminal Justice Act*.

This states that,

"...the criminal justice system for young persons must be separate from that of adults, must be based on the principle of diminished moral blameworthiness or culpability and must emphasize the following:

- (i) *rehabilitation and reintegration,*
- (ii) *fair and proportionate accountability that is consistent with the greater dependency of young persons and their reduced level of maturity,*
- (iii) *enhanced procedural protection to ensure that young persons are treated fairly and that their rights, including their right to privacy, are protected,*
- (iv) *timely intervention that reinforces the link between the offending behaviour and its consequences, and*
- (v) *the promptness and speed with which persons responsible for*

enforcing this Act must act, given young persons' perception of time."

With this in mind, the Advocate office will monitor, evaluate and provide feedback over the coming months as these new policies are developed and implemented.

We also encourage the use of *Child Rights Impact Assessments* as a lens for all new or amended young offender legislation, policies, programs and practices in our province. This process would ensure that at a minimum the four general principles of the *Convention of the Rights of the Child* are reviewed and embedded as appropriate: non-discrimination; best interests; the right to survival, life and development; and participation.

Facility Transfers and Placements

Examples of the challenge in balancing between the needs of the system for efficiencies and the best interests of young offenders emerged in 2012. We were contacted by and advocated on behalf of many youth who were moved from Kilburn Hall when low

NB	QC	ON	MB	SK	AB	BC	YU	NWT	NU
43.2		574.0	295.1	191.9	162.7	100.8	2.3	7.1	7.2
31.0		235.8	97.4	126.8	72.0	50.7	1.0	5.6	3.4
16.8		120.5	61.6	71.6	51.7	21.2	0.1	1.9	2.6
14.3		115.3	35.8	55.1	20.3	29.5	0.9	3.7	0.8
11.0		338.3	180.2	65.2	90.6	49.9	1.3	1.2	3.8
8.45		5.9	29.29	23.17	5.97	3.3	9.6	19.28	17.71
438.4		5865.3	1794.8	1175.8	1635.1	932.5	21.8	81.5	56.8
393.9		5589.6	1667.1	1064.1	1500.5	528.2	21.6	78.9	56.7
9.3		127.1	72.4	44.3	50.5	27.2	0.1	2.5	0.1
35.3		91.8	55.3	67.3	65.7	52.3	0.2	0.1	
		56.9			18.4	324.7	0.0	0.0	
77.12		57.5	165.45	128.4	55.0	17.2	88.75	214.45	140.06

Source: Statistics Canada, CANSIM, table 251-0008, 2011 Statistics. Although this report attempts to standardize the way in which data are reported, limitations due to differences among jurisdictional operations may restrict uniform application of the definitions in some situations. For this reason, inter-jurisdictional comparisons of the data should be made with caution.

Advocate's Applause

Ministry of Justice Corrections and Policing Division North Battleford Youth Centre Talent Fair

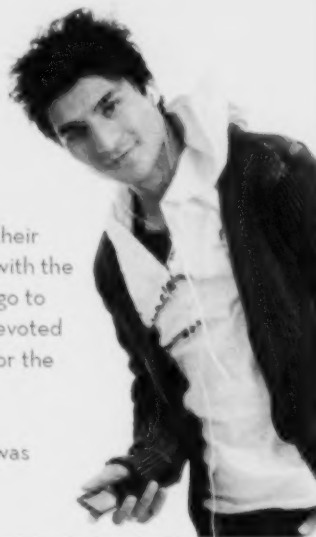
On November 15, 2012, regional Advocate Leanne Priel and practicum student Meredith Newman attended the first ever Talent Fair at the North Battleford Youth Center, a secure custody facility for youth from 12 to 18 years of age. The Fair had two purposes: to educate about the dangers of impaired driving and to showcase the residents' individual talents.

Numerous members of the community volunteered their own personal time to be a part of a video demonstrating from beginning to end the seriousness of what occurs when driving while intoxicated. This allowed youth to gain insight into the number of people involved and affected by the decision to drive while intoxicated. Youth contributed their artistic talents by developing slogans, drawings and writings.

Displays of art and woodwork were set out for viewing, with songs written and sung, drumming and dancing by the youth. By promoting the individual strengths and talents of the youth, staff looked to build on their resilience to help them in dealing with the adversities in their lives.

We wish to express thanks to the youth for their generosity in sharing their skills and talents with the community. A huge thank you also needs to go to those staff and community members who devoted months of time to these young people and for the collaboration demonstrated.

The pride shown and lessons learned by all was invaluable!



numbers led to closure of their girls' units. The move from Saskatoon to facilities in the south negatively impacted access to family visits and has the potential to undermine the family and community support systems integral to successful rehabilitation and reintegration. We also continued to see negative impacts on youth from the North (male and female) from the shortage of facility placements in proximity to their families and communities.

System realities like facility capacity and court appearances govern most placement and transfer decisions for young offenders, so our primary role on these files is to ensure administrative fairness. A fair process gives youth:

- opportunities to voice their concerns and unique perspective;
- information about their plan and the rationale for Ministry decisions; and,

- reasonable notice of decisions that impact their lives.

It appears from these cases that the Ministry of Justice Corrections and Policing Division does not have consistent policy or resources in place to mitigate the negative impacts of system-driven placement decisions and transfers on young people.

Facility appeal processes are available to youth who disagree with their placement or transfer. However, when we encourage youth to utilize appeals in these situations, we find that they often require additional support to engage in the process, and have a sense that the limited amount of information they are allowed to provide and the reality of available resources make it unlikely that their appeal will be successful.

Access to Programs and Services

Youth concerns reported to our office and resolved through our early resolution and/or regional Advocacy services included denial of medical needs and delays in treatment, access to mental health counseling (particularly for youth assessed as low risk for self-harm), and limited recreation opportunities and phone contact with family while in custody.

Advocacy cases involving youth who were planning for release from custody highlighted a lack of residential resources, and mental health and addictions services to meet complex needs of young people, and support their reintegration into the community.

Consultations on Policies and Practices

Our Advocacy team was consulted by young offender facilities and

community-based services on three policy and practice concerns in 2012:

- a regional concern that was complicating LSI completion for Community Youth Workers;
- use of suicide smocks and cameras in holding; and,
- a youth's right to use a language other than English.

We appreciated the opportunity to provide feedback on the local practice and policy changes under consideration, and to anticipate and mitigate any potential negative impacts on youth.

This process also revealed some questions about the consistency and/or existence of regional policy versus provincial policy (i.e., young offenders are entitled to an equal standard of care, protection and services, but individual facility policies can be inconsistent, or exist at some facilities, but not others). In one instance, we successfully advocated for the development of a province-wide policy in place of multiple different policies at the facility level.

Evidence-Based Prevention and Intervention

The Ministry of Justice Corrections and Policing Division continues to impress us with their commitment to research and ability to translate it into programming and practice. Based on this experience, we encourage them to engage with other ministries and agencies to collect data on and measure outcomes for youth who have crossed-over between the child welfare and criminal justice systems. Other jurisdictions have found that these youth have histories marked by multiple moves in out-of-home care, poor academic achievements, and

The right to the highest standard of health and education possible in order to reach their fullest potential.

Over the course of several months, the Advocate office received complaints from multiple youth on remand that they were not receiving appropriate health services at a young offender facility. While each of the concerns was individually resolved by a regional Advocate, a file review indicated that most of the complaints involved a particular healthcare professional denying or ignoring the youths' requests.

For example, a youth had broken his glasses and he was not afforded the opportunity to get new ones. Another youth had a similar complaint and also required dental and orthodontic follow-up services that were not arranged even though he would be in the same facility and on remand for five more months.

The rationale for the denial of services while youth are on remand was that the facility chose not to schedule appointments because they have no way of knowing how long the youth will be on remand or whether the youth will be transferred during that time.

We notified the facility director and healthcare professional that this issue was creating additional contacts to our office and that had the appropriate appointments been booked and services offered we would not have to intervene.

We advocated that it was not reasonable to delay or defer action simply because the youth may be moved from the facility in the future. Instead, we encouraged communication between the youths and facilities to ensure the appointments were maintained, cancelled or rescheduled if ever needed.

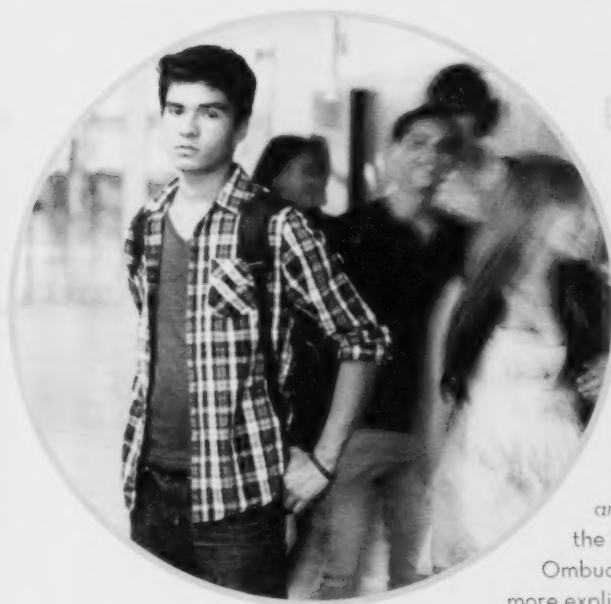
This issue was immediately addressed by the facility director.

increased probability of involvement in the youth justice system. Related to this is a need to examine the over-representation of Aboriginal youth in care and custody and the unique social determinants that affect this vulnerable population.

What's Next?

The Advocate for Children and Youth has established a terms of

reference with the Ministry of Justice Corrections and Policing Division to meet on a quarterly basis to share concerns and information with one another. We will continue to identify trends and systemic issues as they occur within individual cases and communicate with all levels of the Ministry to successfully resolve these concerns on behalf of Saskatchewan youth.



Education and Health Investing in Our Future

In 2012, our office received clarification regarding its jurisdiction over reported healthcare concerns with the implementation of *The Advocate for Children and Youth Act*. This followed the lead of the Saskatchewan

Ombudsman, who had requested a more explicit definition of its mandate over healthcare service providers in its own new legislation. Both of our governing Acts now define clear jurisdiction over "publicly-funded health entities" including regional health authorities, the Saskatchewan Cancer Agency and other healthcare organizations.

During consultations on our new Act, we had also recommended expanding the Advocate's jurisdiction in education to include decisions made by local school boards. This was not incorporated into the legislation due to time constraints for those consultations; however, we continue to have the authority to advocate, investigate and advise the Ministry of Education.

Currently, health and education related matters represent a small portion of all reported concerns to our office. In most cases, we provide information about and referrals to appeal processes of decision-makers, such as school boards, or other agencies that may be able to assist the child or youth. These issues also arise in connection to cases of children and youth in care or custody, where service providers may not be working in an integrated manner to meet the needs of the young person.

Bullying

Several of the calls we receive each year involve a parent requesting assistance for their child who is a victim of bullying. They typically call once all avenues of self-advocacy within the school and division have been exhausted, yet their child is still being negatively impacted.

In these cases, we were frustrated by the limitations of our jurisdiction and the resulting inability to better help parents resolve these issues. Therefore, in 2012, we implemented a new reporting protocol with the Ministry of Education to elevate and alert senior officials to these unresolved cases of bullying.

We have also begun to examine bullying on a broader basis through contracted research designed to assist our office in dealing with this issue. In the future, this may lead to more partnerships and promotion of anti-bullying efforts.

Full-Day Kindergarten

In July 2012, the Advocate for Children and Youth briefed the Ministry of Education about our concerns regarding the cancellation of full-day kindergarten programs in several school divisions, and the Government of Saskatchewan's long-standing refusal to fund these important programs for many children and families.

We highlighted the recent enhancement and growth of

"All children and youth are entitled to the highest standard of health and education possible in order to reach their fullest potential."

*Children and Youth First Principles
Based on Articles 24, 28 of the
United Nations
Convention on the Rights of the Child*

quality child care and early learning opportunities for three and four-year-olds in vulnerable populations as a positive development; yet cautioned that these initiatives alone do not appear to meet the broader needs of children, youth, families and communities in our province.

We advocated that the decision on whether to invest in full-day kindergarten needed to be integrated into a more holistic strategy on early childhood learning that invested in children of all ages and provided families with choice in whether to enrol their children or not.

In doing so, we cautioned against putting the interests and well-being of one age group (three and four-year-olds) ahead of another age group (five and six-year-olds). The success of a child cannot be defined within a two-year period; enrolment in full-day kindergarten provides an opportunity to reinforce the benefits gained in quality pre-school programs.

Addressing Stressors in Schools

We are encouraged to see the Government of Saskatchewan highlighting with the federal government the issue of equitable funding for education on reserve, and to begin to discuss the significant gaps between Aboriginal and non-Aboriginal students found in its outcome indicators. We urge evidence-based, culturally competent solutions be implemented that focus on personal student learning and achievement.

Also, our current prosperity has brought a wave of inter-provincial/territorial and international immigration that is placing stress on some school systems to accommodate many new students.

This has created some significant situations of school overcrowding and capital investment challenges that need to be addressed for the safety and well-being of children and youth. Furthermore, teachers need to be better supported in delivering appropriate English as a second language (ESL) lessons to newcomers to our communities.

Addictions and Mental Health Services for Children and Youth

We continue to receive concerns from youth, families, community members, and professionals from all service sectors in Saskatchewan about the availability of addictions and mental health services and residential resources for children and youth.

We recognize that much good work is being done on a case-by-case basis and in developing several new resources in the past few years. This includes Valley Hill Youth Treatment Centre in Prince Albert, a 15-bed facility, which opened in September 2012 and provides a six-week residential-treatment program for adolescents aged 12-17.

However, outside the three major urban areas in Saskatchewan, timely and equitable access to services remains a challenge. Integrating

these services in all regions when a youth crosses over sectors, such as education, social services, policing and corrections, is sometimes very difficult.

The specialized nature of residential resources (e.g., secure detoxification and stabilization versus voluntary treatment) and how they are distributed throughout the province means that not all types of services and resources are available in all regions. In some cases, like the Youth Detoxification and Stabilization Centre in Regina, effective resources begin to serve a narrower section of the province simply due to their location.

Once again in 2012, we have encouraged the Cabinet Committee on Children and Youth to expand the *Saskatchewan Children and Youth Agenda* to include an addictions and mental health cross-government strategy. The starting point would be to conduct a broad and comprehensive needs assessment to better understand the anecdotal reports the Advocate office is receiving. We are hopeful that the Government of Saskatchewan will respond to this call to action in 2013.

What's Next?

The Advocate for Children and Youth continues to monitor and advocate for changes within the Health and Education systems in Saskatchewan. In 2013, we will be further examining our role in health-related matters to ascertain how we can better meet the needs of children, youth and their families in light of our recently clarified jurisdiction.



Child Deaths and Critical Injuries Assessments and Investigations

The Advocate for Children and Youth conducts independent assessments and investigations into the deaths and critical injuries of children and youth who, either individually or with their families, have received services from government ministries and agencies.

The 57 child death and critical injury case files closed by the Advocate last year contain important information about the child welfare and young offender systems, and the children, youth and families that receive those services. These case files included child deaths and critical injuries that occurred between 2006 and 2012.

The Advocate, Ministry of Social Services, First Nations Child and Family Services Agencies, and Ministry of Justice Corrections and Policing Division have developed notification criteria for deaths and critical injuries dependent on the nature of the services provided to the child, youth or their family.

Once a notification is received, the Advocate office's first response is to assess the case for advocacy services, which are immediately delivered to any surviving children or youth in the family home or residential resource where the death or injury occurred. As additional information on the death or critical injury is received, an Investigation Case Assessment is conducted by examining the:

- ministry or agency's internal report on the death or critical injury;

- ministry or agency's response to those internal findings and recommendations; and,
- Coroner's information if applicable.

This process allows our office to:

- fulfill an oversight role and serve as a check and balance to the internal work of ministries and agencies;
- focus our limited resources on completing fewer, more in-depth investigations into cases when warranted; and,
- capture and analyze aggregate data from all child death and critical injury notifications received to identify common factors and themes.

Aggregate Analysis

Our Investigators closed 32 child death and 25 critical injury case files in 2012. Regardless of whether a file is recommended for closure or further investigation following the initial Investigation Case Assessment, the demographic and causal information from all child deaths and critical injury cases is collected into an aggregate data pool. Investigators analyze this information to see if there are any trends that may require further research, or systemic, social or public policy advocacy by the Advocate office.

Common concerns noted in our aggregate analysis of case files closed in 2012 include:

- Lack of integrated case management and service delivery between ministries, agencies and community-based organizations.

"When a child dies, particularly when the child was living in the care of the government, there is significant and justified public reaction. There is a recognized need to ensure that children are protected and that children do not die from preventable conditions."

*Child Death Review Karen Rose Quill
Children's Advocate Office
June 1998*

- Standards of practice that do not meet policy guidelines regarding supervision and documentation of decision-making rationale and approvals.
- Lack of engagement between youth and families, families and service providers, youth and service providers, and caregivers and service providers.

All three of these issues have been previously identified as systemic in nature and the Advocate office continues to provide advice and recommendations to ministries and agencies to address each of them.

Youth at Risk

The child death and critical injury files closed by the Advocate office in 2012 reinforce what has been historically found in these cases—adolescence is a particularly vulnerable period for young people in Saskatchewan. Youth aged 11-15 and 16-18 years had the highest combined number of deaths (14) and critical injuries (20) of all age groups.

Nearly three out of every four deaths in this age group involved the use or abuse of alcohol or drugs as a contributing factor. Of those closed case files, death was the result of: suicide in three; accidental overdose in two; hypothermia in two; motor vehicle accidents in one (where the other driver was intoxicated), and one was a homicide. Critical injuries of youth tended to also be related to drugs or alcohol misuse including six cases of accidental overdose, six physical assaults, two motor vehicle accidents and four suicide attempts.

Gender and Ethnicity

In the Advocate's 2011 Annual Report, we reported that death and critical injury case files closed in that year indicated that male children and

Case Study

Case Assessment for Investigation

A three-week-old First Nations infant was found unresponsive in his family home. His father started CPR and called 911. The mother reported that she fed the baby at 5 a.m. and then fell asleep with him on the sofa. She woke at approximately 9 a.m. and found the baby unresponsive. Efforts by Emergency Medical Services to resuscitate were unsuccessful and the baby was pronounced dead at the scene. Police investigated and foul play was not suspected.

The Coroner classified the infant's death as undetermined due to sudden unexpected death in infancy. Co-sleeping with an adult was noted as a contributing factor. The death was likely asphyxia due to an overlay, although there were no findings at autopsy that indicated this. The parents reported to the Coroner that the sleeping arrangement was a regular practice due to severe mould in the basement bedrooms.

The Ministry of Social Services provided notification of this death to the Advocate for Children and Youth. The Ministry advised they would not conduct an internal review as the infant and his family were not in receipt of services at the time of or in the twelve months prior to his death.

The Advocate conducted an Investigation Case Assessment using the available information and found the following:

- The Ministry's involvement with the infant and his family was mainly historical in nature, and was related to the mother's time in care as a youth.
- Prior to birth, there was one Mobile Crisis report, which was found to be unsubstantiated.
- Unsafe sleeping practice appeared to be a factor in this infant's death.

Given there were no outstanding issues identified in the case assessment, the investigator recommended that no further investigation was required. The investigator did recommend, however, that the Advocate continue to track issues such as unsafe sleeping practices and environmental risk factors for infants.

youth may be more likely to die or be injured, which also reflects the trend in the general population. However, in 2012, the number of case files closed involving females was significantly higher than males. Therefore, when an aggregate analysis of the two years

combined is done, there is a virtual even split with the only variance being males slightly more frequently represented in death cases closed. So any yearly variance appears to merely be a reflection of the timing the files are closed.

The number of Aboriginal children and youth who have died or been critically injured in these closed cases continues to reflect the broader over-representation of First Nations and Métis young people involved with the child welfare and young offender systems in Saskatchewan.

Of the 32 child death and 25 critical injury files closed in 2012, we can confirm that 56 and 84 per cent respectively involved an Aboriginal child or youth. However, due to our knowledge of historical trends and that accurate recording and reporting of ethnicity data is a continuing challenge, we suspect that the percentage of deaths involving Aboriginal young people may be significantly higher.

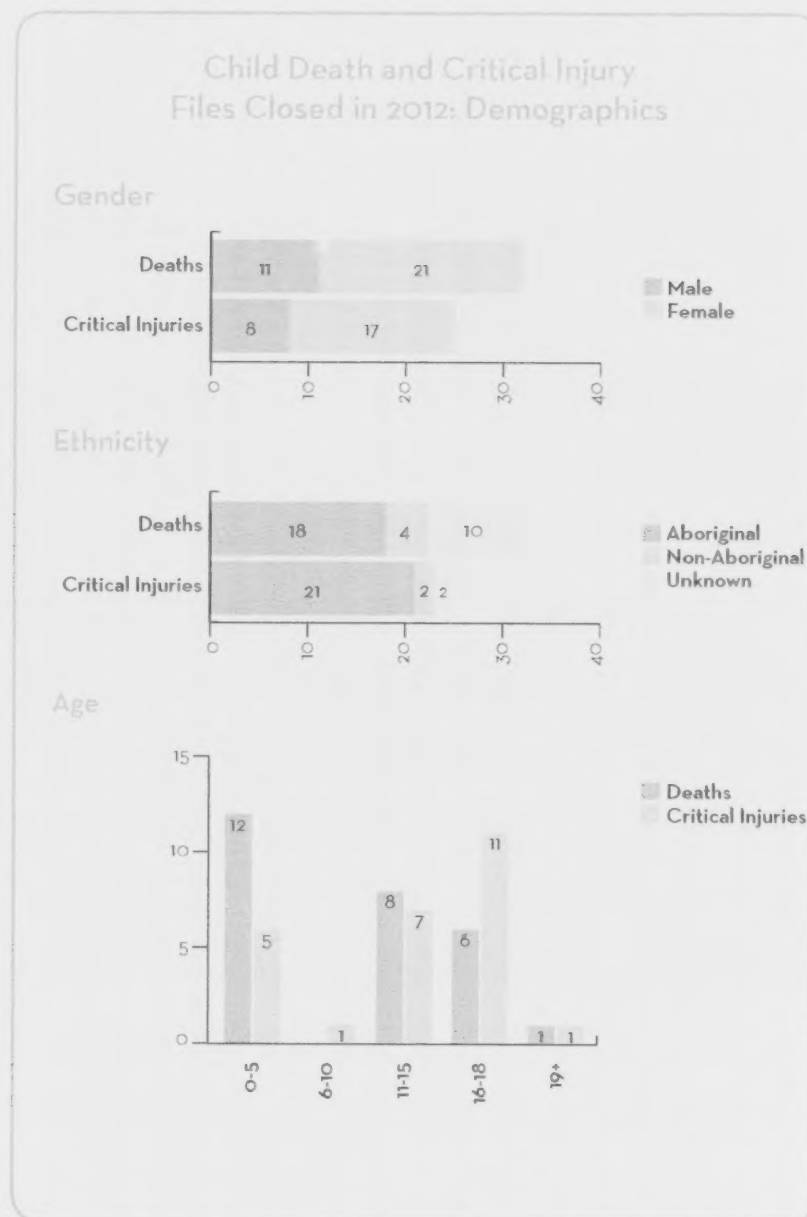
Infants and Toddlers

The aggregate analysis of closed case files from 2012 reinforces past aggregate analysis, which found children aged 0-5 make up the highest number of deaths (12 case files closed in 2012 and 13 in 2011) reported to the Advocate office. However, the number of critical injuries in this age group remains relatively low overall.

This age group continues to be particularly vulnerable to natural (e.g., born medically fragile), accidental (e.g., co-sleeping, fire) and violent (e.g., caregiver abuse) deaths. In 2012, infant and toddler deaths were associated with significant medical conditions such as cerebral palsy and respiratory conditions, and in two out of every three death case files closed there were unsafe sleeping conditions present that contributed to the death.

What's Next?

The Advocate for Children and Youth continues to analyze demographic, causal and service history information



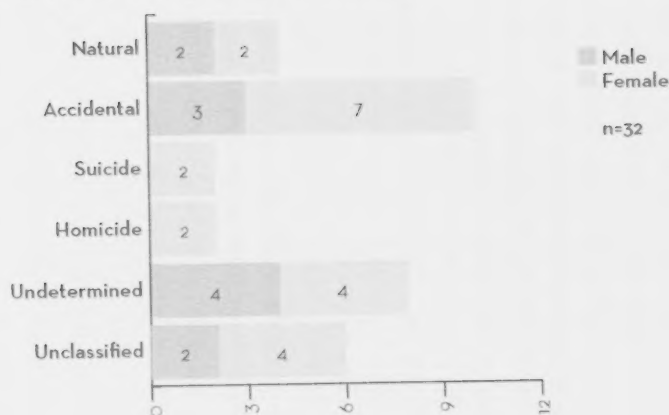
gained through the notification of deaths and critical injuries of children and youth in care or custody. This information contributes to our systemic, social and public policy research and advocacy efforts, as well as public education on preventable child deaths and critical injuries such as safe sleeping, alcohol and substance abuse, and other social determinants of health.

Individual Investigations

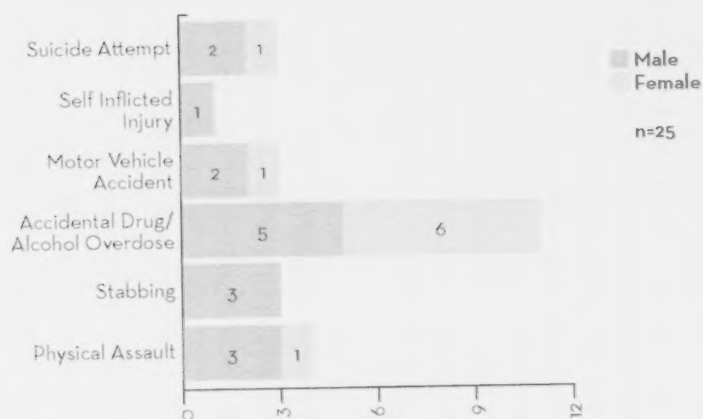
A small number of Investigation Case Assessments result in a full investigation. This expanded process is initiated at the discretion of the Advocate for Children and Youth typically when an assessment determines that services received by the child, youth and/or their family may need to be examined more closely.

Child Death and Critical Injury Files Closed in 2012: Classification and Causes

Deaths: Coroner's Classification



Critical Injuries: Identified Causes



Investigations carefully examine the system of supports provided to a child, youth or their family up to and including the time of the death or critical injury. All case-related records are reviewed, along with relevant legislation, policies and standards. Interviews are conducted with numerous individuals, which are recorded and transcribed as part of the investigative process.

Members of the child's community may also be consulted. In cases involving Aboriginal children, the Advocate's office is working to ensure community members and leaders are engaged in the investigation process and communicated with on a timely and frequent basis. It is important that the voice of First Nations and Métis people is heard and that their unique history is respected and considered.

In 2012, the Investigation team completed four child death investigations, including the case profiled on page 35. Two child death investigations were closed with findings only, and two were closed with findings and recommendations.

These four child death investigations closed in 2012 involved:

- three females aged 2 months, 14 years and 13 years respectively, and one male aged 11 months at the time of death;
- one accidental, one suicide, one physical assault while in parental care, and one other accidental death due to unsafe sleeping practices in foster care; and,
- reviews of services provided by two First Nations Child and Family Services Agencies, the Ministry of Social Services, and the Ministry of Justice Corrections and Policing Division.

Investigation Findings

The two investigations of youth resulted in similar findings regarding access to and/or resistance to participation in intervention services upon previous suicide ideation or self-referrals for assistance.

Both youth lived in parental homes with histories of family discord and intermittent child welfare involvement over long periods of time. One family was in receipt of in-home parent aide services at the time of the youth's death.

These cases shared common themes regarding non-compliance with Ministry of Social Services policy in the areas of risk assessment, child protection investigations and case management. Also, both cases illustrated a lack of communication between agencies and service providers that may have helped prevent the tragic outcomes.

Advocate's Applause

Ministry of Social Services Program Effectiveness

The Ministry of Social Services reviews the deaths, critical injuries and serious case incidents involving children and youth who are in care or whose families have been in receipt of services up to 12 months prior to the harmful event.

The staff and managers of the Child and Family Services Program Effectiveness unit undertake this difficult work along with other activities that measure quality assurance in the Ministry's service delivery to children, youth and their families.

In the past few years, the work of this unit has significantly grown in both scope and scale. The quality of their child death and critical injury reviews, the responsiveness to questions and concerns we may have, and the ease of communication and information sharing between our staff and this unit is greatly improved and appreciated by the Advocate for Children and Youth.



The other two investigations closed in 2012 involved two infants under the age of one year, who are part of an age group (0-5) that is highly vulnerable and at risk of physical harm from violence or accidents.

In one of these cases, which involved a child who died while in foster care, the infant was found to have fallen off a bed and suffocated while inverted in a nearby garbage can. While the

circumstances of the death were found to be accidental by the Coroner, an examination of the associated child care and foster care resource files found significant issues with the approval, supervision and monitoring of life changes affecting the foster parents and the children placed in the home.

What the Investigator found was that the original approval of the foster home was dependent on the

presence of two parents. When the foster parents subsequently separated and placements in the home exceeded the assessed capacity, the home came under stress, which was not in the best interests of the children placed there.

In the second case, an infant was physically assaulted by their parent, which resulted in the death of the child. Both parents had a long history of addictions. Issues were found in our investigation regarding the conduct of the child protection investigation not meeting policy or practice guidelines. In addition, the risk assessment tool that was used at the time was not done when the child protection investigation was concluded.

All of the findings from these investigations were shared with the service providers involved in the cases and recommendations were made to address compliance with policy and promote better practices by staff and supervisors.

What's Next?

The Advocate for Children and Youth tracks and advocates for the implementation of recommendations made in our child death and critical injury investigations. We may also consider the findings on a broader basis, such as with the two investigations involving youth completed in 2012.

Coupled with the aggregate analysis of all death and critical injury files closed, suicide and self-harming has been found in more than 25 per cent of all cases closed in the past two years. In 2013, we plan to look at these cases and the issue of suicide on a systemic basis that may include research, public education and reporting.

Child Death Investigation

A 14-year-old First Nations youth was on leave from a group home when her body was found the next day approximately 50 metres from a friend's residence.

Her death was classified by the Coroner as accidental and the cause of death was hypothermia. The autopsy report stated that acute alcohol intoxication can accelerate the speed in which hypothermia sets in and should be noted as a contributory factor in her death.

Notification of this youth's death was provided to the Advocate for Children and Youth by a First Nations Child and Family Service Agency. A joint review occurred between the Agency and the Ministry of Social Services and resulted in the following findings:

- A self-referral by the parent was not adequately assessed.
- A formal suicide risk assessment was not completed as a result of the youth's refusal to participate, despite the worker's authority to compel compliance.
- Parent aide services were arranged, with detailed daily contact to monitor the home visit and that the parent aide adequately safety-planned with the youth in the event she required services.
- The parent aide should not have been left in the position to independently assess the parent's sobriety following the youth's allegation of substance abuse.
- That neither the parent nor the youth adhered to the conditions of the home visit as agreed upon.

The joint review between the Agency and the Ministry also resulted in two recommendations being made:

- That when children are placed in out-of-home care and visiting home for the first time, that visit durations are of a time frame that coincides with an assessment of what the youth's needs are and what the family is able to manage.
- That the Agency have policy that clearly articulates the roles and responsibilities of family support

workers (parent aides) in relationship to Child Protection workers and that parent aides are trained and supervised to recognize "red flags" that indicate consultation should occur with the Child Protection worker responsible for case assessment and planning.

The Advocate Office completed a thorough investigation which resulted in four recommendations being made to the Agency and the Ministry of Social Services, three have since been accepted and one remains outstanding:

Accepted

- That the First Nations Child and Family Services Agency give consideration to implementing a case management checklist as a tool to be incorporated into existing case practice to ensure compliance with supervision, case management and contact standards.
- That when a youth presents with more than one self-harming/suicide attempt, the Ministry, Agency or ministries involved with that youth and family completes and forwards a referral to a qualified professional for a formal suicide risk assessment and safety plan without delay.
- That as an essential service, the Agency must operate throughout the year, utilizing the Emergency Duty worker position on evenings, weekends and statutory holidays only.

Outstanding

- That the group home ensure all children and youth, despite placement, have a current completed assessment(s) which directly correlate to identified risk areas such as, mental health and/or addictions issues on file prior to being allowed home visitation.

The Advocate for Children and Youth continues to advocate for implementation of the remaining recommendation. The Ministry of Social Services and the Agency has made progress related to the issues identified.

About the Advocate Office

Through our advocacy, investigation, public education, research and advisory functions, the Advocate for Children and Youth assists the Government of Saskatchewan to deliver good public service.

We identify, resolve, monitor and evaluate the concerns of children, youth and their families through casework involving individuals and groups of clients. This work is complemented by investigations, research and analysis, and engagement with system and community stakeholders, which helps us better understand, elevate and alleviate broader systemic, social and public policy issues that may affect all children and youth in Saskatchewan.

Our objective is to inform and influence all levels of government service delivery and decision-making to achieve better outcomes for children and youth in our province. We are committed to working cooperatively and adhering to principles of fairness and respect as we too serve the public good.

How We Handle Complaints

Anyone can call the Advocate for Children and Youth if they have a concern about a child, youth or group of children and/or youth receiving services from a provincial ministry, agency, or publicly-funded health entity.

Children and youth are encouraged to call on their own behalf. However, many parents, foster parents, social workers, health professionals and

others contact us on behalf of children and youth. All contacts with our office are confidential.

We will listen to the complaint, ask questions to clarify the situation, and review the steps already taken to resolve the issues. We might offer information or referrals to other agencies or ministries to help the caller to advocate for themselves and/or for the child or youth.

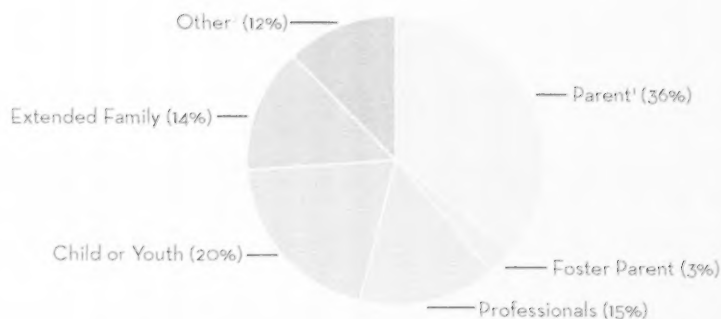
Advocacy by us on behalf of a child or youth is usually initiated at the request of the young person. We will work directly with them to negotiate a resolution to the matters raised with the service provider, caseworker and/or caregiver. We may also formally

investigate the concern if required.

If a child or youth is unable to provide direction, we will work to ensure that he or she receives the services and quality of care they are entitled to by legislation and policy. Upon closure, individual case files are reviewed for any systemic issues and with a rights-based analysis to better inform ourselves, ministries or agencies of any trends and opportunities to avoid similar concerns in the future.

The Advocate for Children and Youth typically receives concerns regarding Social Services, Health, Education, Justice and Corrections, as well as First Nations Child and Family Services Agencies.

Who Contacted the Advocate for Children and Youth in 2012



¹ Includes parents, step-parents, non-custodial parents, legal guardians, caregivers and persons of sufficient interest to the child.

² Includes interested third parties such as band representatives, babysitters and neighbours. Also includes anonymous or unknown callers.

New Legislation

The Advocate for Children and Youth Act took effect on September 1, 2012. The Advocate worked in collaboration with the Ombudsman to request the evolution and separation of our legislation to provide better clarity to the public about the services each office provides.

This legislation continues to place Saskatchewan at the forefront of child and youth advocacy in this country. It strengthens one of the broadest mandates for an Advocate office in Canada in terms of scope and actions we can take to advance the rights, interests and well-being of children and youth. We can examine any provincial government service provided to children and youth and have a range of tools to resolve those matters that come to our attention.

Many provincial jurisdictions have limited child and youth advocacy to social services and/or young offender systems, and limited activities to just advocacy or investigation. Saskatchewan took a different approach from the start and *The Advocate for Children and Youth Act* continues to have a more holistic view of children and youth, and the continuum of services required to address their concerns.

This new legislation:

- More clearly defines the Advocate's jurisdiction as including health authorities, healthcare organizations and affiliates, and the Saskatchewan Cancer Agency.
- Provides an expanded mandate to conduct research relating to the rights of children and youth.
- Permits government ministries and agencies to share information voluntarily with the Advocate to expedite the resolution

of concerns received by the Advocate.

- Ensures that information about and confidential access to the Advocate's services will be provided to children and youth living in care or custody.

In conjunction with the new Act coming into effect in September 2012, we updated a set of professionalism policies and procedures that guide the conduct and delegation of authority granted to the Advocate's staff. We also developed and implemented a new visual identity and communication tools to reach a wide variety of public and government audiences.

This work will continue in 2013-14 with further policy development, an update of our website, an expanded social media presence, and new print and presentation materials on the *Saskatchewan Children and Youth Principles*, the *United Nations Convention on the Rights of the Child*, and the *Touchstones of Hope for Indigenous Children, Youth and Families*.

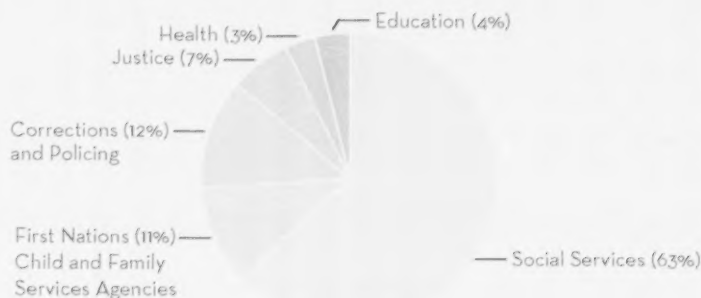
New Resources

The Saskatchewan Advocate's office is small comparative to our broad mandate and our counterparts across Western Canada.

An independent review of our advocacy program completed in 2011 identified the need to increase our capacity in delivering advocacy services and broaden our public education approach. External stakeholders consulted during that review also believed that the Advocate should establish goals and develop a plan for achieving a strong systemic advocacy and social and public policy role for the office, as well as develop a partnership and collaborative philosophy approach.

In 2012, we continued with a second phase of review that examined our investigation program. The findings reinforced the need to build analytical capacity at a systemic level and capitalize on opportunities to engage in joint projects to improve outcomes for children and youth.

Issues Received About Services Provided by a Ministry or Agency in 2012



There were, and continue to be, significant pressures to provide more:

- Equitable and accessible advocacy and public education services for children and youth across such a vast geographic area.
- Timely child death and critical injury investigations to provide meaningful information and education to prevent the harm of another child or youth in similar circumstances.
- Accurate and reliable research and analysis on systemic, social and public policy issues to serve as a credible, independent resource for system and community stakeholders.
- Connections between diverse child-serving ministries, agencies, organizations and communities in response to the Child Welfare Review recommendations and opportunities afforded by the Government of Saskatchewan's Children and Youth Agenda.

We requested and gratefully received some additional funding in 2012-13 that allowed us to address differing pressure points in advocacy,

Budget

	2010-11	2011-12	2012-13
Budgetary Expenditures			
Personal Services	\$1,177,000	\$1,209,000	\$1,366,000
Contractual Services	180,000	222,000	228,000
Advertising, Printing & Publishing	30,000	30,000	31,000
Travel & Business	87,000	88,000	90,000
Supplies & Services	7,000	7,000	7,000
Capital Assets	15,000	15,000	16,000
One-time Funding		60,000	
Budgetary Total	\$1,496,000	\$1,631,000	\$1,738,000
Statutory Expenditures			
Personal Services	\$201,000	\$202,000	\$206,000
Statutory Total	\$201,000	\$202,000	\$206,000
Total Expenditures	\$1,697,000	\$1,833,000	\$1,944,000

investigation and research functions as they arose. This has helped in building an organization that has the flexibility to respond to demands through non-permanent staffing allocations as they arise and also engage in training and development of existing staff to better meet client needs.

In 2012, these discretionary funds were devoted to expanding our advocacy and public education reach across the province; increasing staffing capacity at the intake and early resolution desk; conducting an independent review of our investigation functions; and, further "LEAN-ing" our processes and procedures to find efficiencies across Advocate systems and services, as well as between like functions found between our office and provincial government ministries and agencies.

Expansion of our research capacity has begun with staffing for a Systemic Advocate underway. This position is expected to play an integral role in: current and future joint program reviews with provincial government ministries and agencies; building partnerships with academic communities that research issues affecting children, youth and their families; and, better connecting the office to the work of the Canadian Council of Child and Youth Advocates.

Staff (As of December 31, 2012)

Advocate for Children and Youth
Bob Pringle

Director of Operations
Janet Mitchell

Advocates
Rhonda Johansson
Leanne Priel (Team Lead)
Jacqueline Peters

Early Resolution Advocates
Chandra LePoudre
Christa Shepherd-Hills (Term)

Investigators
Connie Braun
Hertha Wiedemann

Director of Administration
Bernie Rodier

Executive Administrative Assistant
Caroline Sookocheff

Administrative Assistants
Sandi Elliott
Penny Fairburn (Term)
Lynne Fraser (Term)
Jennifer Kovar

Director of Public Education and Communications
Laura Beard

Practicum Student
Meredith Newman

Public Accountability

The Advocate for Children and Youth is required to submit to the Speaker of the Legislative Assembly an annual report describing the progress and activities of our Office in the previous year. The Advocate may also from time to time in the public interest or in the interest of any person, ministry or agency of government, publish special reports on any matter or particular case that has been investigated. On April 26, 2012, the Advocate tabled his 2011 *Annual Report*, and on December 12, 2012, the Advocate tabled *In the Matter of E.J.H. and K.G.H. Administrative Fairness Investigation Report* in the Legislature.

In the fall of 2012, the Advocate launched a pilot project that included targeted outreach to the southeastern part of the province, which includes the booming communities of Weyburn and Estevan. The Advocate used the occasion of National Child Day to engage and consult with system and community stakeholders on concerns about children, youth and families in their cities and surrounding areas. Plans are underway to do more tours of the province and to build tools for reporting what is shared by communities with our office to the Legislative Assembly and government ministries and agencies.

The Advocate also periodically releases information and opinions to the media in Saskatchewan. This past year, the Advocate commented publicly on issues including: counting children and youth in the population counts for electoral boundaries legislation; Canada's record on implementing the *United Nations Convention on the Rights of the Child*; the quality of out-of-home care in Saskatchewan; and, the relationship between the federal government and Indigenous peoples in our country.

Strategic Plan

In 2012, the Advocate for Children and Youth continued its strategic planning process to actualize the vision and mandate of the office. Four goals, each with supporting strategies, provide guidance for all operations planning:

Goal #1: Advocate for social and public policy change that benefits all children and youth.

Strategies:

- Promote achievement of the goals of the *Saskatchewan Children and Youth Agenda*.
- Encourage fundamental change in child welfare through implementation of the Child Welfare Review recommendations.
- Promote the rights of children and youth.

Goal #2: Promote high quality government and community-based programs and services for children and youth.

Strategies:

- Receive, review and resolve individual case concerns.
- Recommend changes in programs and practices to address systemic issues.

Goal #3: Strengthen collaboration and partnerships to achieve better outcomes for children and youth.

Strategies:

- Be a voice for children and youth.
- Enhance collaboration with government ministries and members of the Legislative Assembly to achieve shared objectives for children and youth.
- Promote and facilitate collaboration with First Nations and Métis organizations to further the interests of children and youth.
- Promote and facilitate collaboration with communities, organizations and agencies to further the interests of children and youth.

Goal #4: Ensure the Advocate for Children and Youth delivers excellent, accessible and accountable services.

Strategies:

- Strive for high quality service.
- Ensure effective and efficient operations.
- Ensure public accountability.
- Increase awareness of the Advocate's role and services among children, youth and their families, government ministries, agencies and publicly-funded health entities, First Nations and Métis communities, organizations, and agencies.

2012 Presentations and Speaking Engagements

Presentations to Youth in Custody

Drumming Hill Youth Centre
Echo Valley Youth Centre
Kilburn Hall Youth Centre
North Battleford Youth Centre
Orcadia Youth Residence
Paul Dojack Youth Centre
Prince Albert Youth Residence
Yarrow Youth Farm

Presentations to Children and Youth in Out-of-Home Care

Alex Guy House
Asihkwanehk Youth Group Home
Carmel House
Corman Park Ranch Ehrlo Society
Dales House
Doc's House
Eagles Nest Youth Ranch
Eden House
Egadz My Homes
Four Directions Youth Centre
Gamen Abet Youth Home
Gemma House
Grace Haven
Kids in Transition Shelter
Klassen House
Matheson House
Onion Lake Group Home
Pamiyohk Group Home
Pelican Lake Youth Lodge
Pelican Narrows Group Home
PiKiWeK Group Home
Pilot Butte Ranch Ehrlo Society
Prince Albert Eagles Nest
Prince Albert Grand Council Group Home
Prince Albert YWCA Boys Group Home
Prince Albert YWCA Girls Group Home
Red Willow Centre
Rendalyn Home
Robert's Place
SIGN Adolescent Group Home
Stewart's Place
Street Culture Kidz
Sundance Home
Sunshine Haven
Wendy's House
Yorkton Transition Homes
Youth for Christ, Regina and Moose Jaw
WiCiTiZon Treatment Group Home

Presentations to Ministry or Agencies Staff and/or Board Members

Ministry of Social Services

Community Living Services, Saskatoon
Child and Family Services, Estevan,
Weyburn, Lloydminster, Nipawin, Meadow
Lake and North Battleford
Red Willow Centre, Saskatoon

Ministry of Corrections and Policing

Kilburn Hall Youth Centre
Young Offender Services, Fort Qu'Appelle,
Lloydminster, Saskatoon, North Battleford,
Yorkton

First Nations

Child and Family Services Agencies

Agency Chiefs
Ahtahkakoop
Athabasca Denesuline
Kanawayimik
Qu'Appelle
Meadow Lake
Nechapanuk
Onion Lake
Peter Ballantyne
Sturgeon Lake
Touchwood
Yorkton Tribal Council

Other Government

Prairie North Health Region, Mental Health
Services, Child and Youth

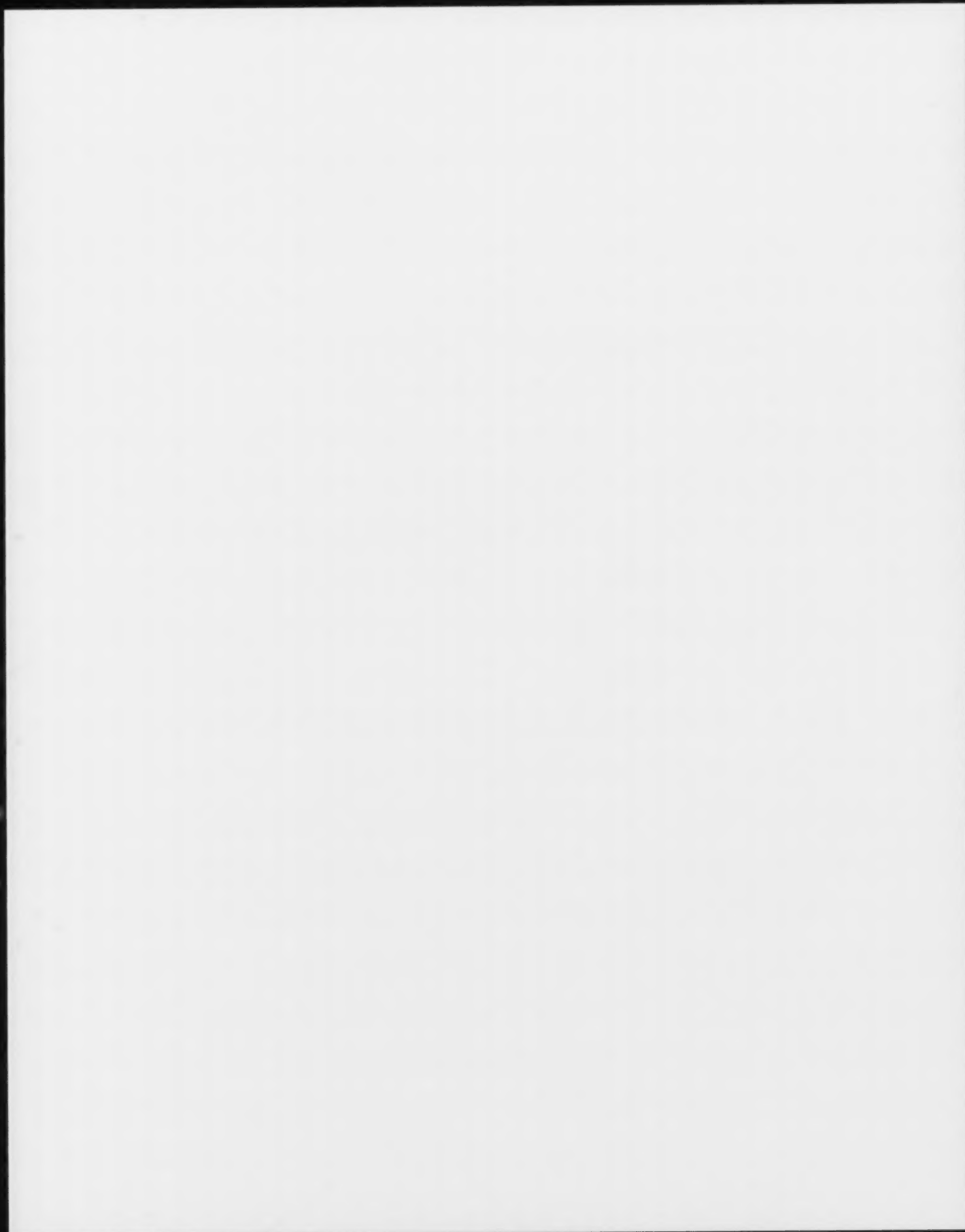
Community-Based Organizations

Egadz My Homes
Envision Counselling and Support Centre
Four Directions Youth Centre
Prince Albert Native Coordinating Council
Saskatchewan Youth in Care and Custody
Network (SYICCN)
Saskatoon Crisis Intervention Services
Sundance Home
Sunshine Haven
Youth for Christ
YWCA Youth Peers Home

Conferences and Public Presentations

10th Annual Green Ribbon Gala, Child
Find Saskatchewan
A Call for Action: Building Partnerships
for Safer Communities Symposium

FASD Live Conference
FASD Support Network Parent Retreat
FNUC Alumni Round Dance
Foster Parent Appreciation Week
Banquets and Events, various locations
Four Directions Youth Centre Grand
Opening
FSIN Children and Families Conference
FSIN Spring Legislative Assembly
FSIN Youth Conference
Good Spirit School Division Anti-violence
Workshop
International Centre for Transition Youth
Justice Dialogue
Imagine our Future: Investing in the Early
Years National Conference
Legislative Assembly New MLA
Orientation, and Legislative Interns
presentation
Ministry of Social Services Saskatoon Off-
site Grand Opening
National Association of Public Trustees
and Guardians Conference
North Battleford Youth Centre Round
Dance
North Battleford Youth Centre Talent Fair
One Arrow Cree Nation Annual Pow Wow
Our Way Conference
Parkland Early Childhood Intervention
Program
Paul Dojack Winter Feast and Round Dance
Prince Albert Grand Council Counselors in
Band Schools
Prince Albert Ranch Ehrlo Society Awards
Banquet
SASW Provincial Conference
SFFA Conference
SFFA Long Service Banquet
SYICCN Provincial Retreat
SYICCN Saskatoon Camping Event
SCYAP Digital Art Gallery Opening
Str8 Up Book Launch
SIAS Youth Care Students
Truth and Reconciliation Commission of
Canada National Event
University of Regina Lifelong Learning Centre
University of Regina Social Work Classes,
Yorkton and Saskatoon
Yarrow Youth Farm Annual Shinny
Tournament
Yorkton Tribal Council 15th Anniversary
Gala





We Can Help

1-800-322-7221

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